

TEXAS SENATE STAFF SERVICES
 RM:jgh/337/FLSB14012611CD1SL/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION I

Texas Senate
 Staff Services

10

PRESIDENT : I'm advised by the Parliamentarian, Senator Gallegos, that when the bill was reported out of the Committee of the Whole, last night at approximately 9:20, that that record is closed. So individual submissions would have to be by a motion from different Members, and voted on by the body, 'kay?

GALLEGOS : Thank you, Mr. President.

PRESIDENT : Yes, Sir, yes, Sir. Senator Davis, for what purpose do you rise?

DAVIS : Parliamentary inquiry.

PRESIDENT : State your inquiry.

DAVIS : It was my understanding that, yesterday, when we were meeting in the Committee as a Whole, we had made an agreement that written responses to the questions that were asked during that hearing would be entered into record as a part of the Committee of the Whole record, and I think what Senator Gallegos is referring to our written responses that we've received, yesterday, from the Secretary of State's Office in response to questions that were asked as part of that committee hearing.

: (Pause)

PRESIDENT : Senator Davis, I heard the same exchange, I don't see a problem with that, but why don't we bring that up when Senator Duncan's back on the Floor as the Chair, all right?

DAVIS : Sure--

PRESIDENT : So--

DAVIS : --thank you.

PRESIDENT : --I think the proper time to do that would be when we go through these 37 amendments and then address the concern that Senator Gallegos an--and you just rose. I, I don't think that's--

DAVIS : Thank you, Mr. President.

: (Inaudible, background conversation)

PRESIDENT : --before us is Floor Amendment Number 1 by Senator Watson. I'm gonna recognize Senator Watson to, Chair recognizes Senator Watson to explain Floor Amendment 1.

WATSON : Thank you very much, Mr. President. Members, yesterday, during the meeting of the Committee of the Whole, over and over again, the discussion was that the purpose of, the purpose behind this bill was to preserve and protect the integrity of the ballot. And no one on this Floor doesn't want to prevent voter fraud and to protect the integrity of the ballot. And I hope, and want to believe, that there's also no one on this Floor that wants to suppress a person's right to vote. Amendment Number 1 would strike at the very heart of both of these goals. It would stark (sic), strike at the heart of preventing fraud and it would do it without making it more difficult for honest people to vote. In fact, it would also prevent acts of suppression by saying that it would become a first degree felony if a person impersonates, or attempts to impersonate another person, or uses, or attempts to use the identity of another person for the purpose of voting in any

TEXAS SENATE STAFF SERVICES
 RM:jgh/337/FLSB14012611CD1SI/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION I

Texas Senate
 Staff Services

11

election in this State. It goes on and provides an--several acts of voter suppression, that if those acts are carried out, they also would result in a first degree felony. It would also do this, by the way, without the requirements of additional money being spent, as we discussed yesterday. So, Mr. President, I move adoption of Floor Amendment Number 1, so that we can protect the integrity of the ballot without jeopardizing, making it more di--making it more difficult for honest people to vote. (Pause) I've moved adoption of, of Floor Amendment Number 1.

(Senator Ogden, Presiding)

PRESIDENT : Chair recognizes Senator Fraser on the amendment.

FRASER : Senator, I think the, the intent probably of everyone on this Floor is that we wanna make sure that the legislation we're, we're passing protects the public's confidence in election and deterring, and, and detecting voter fraud. I think the bill that I'm bringing forward, carries forward my intent on this. By doing this, you're striking below the enacting clause, and basically replacing all the language with enhanced penalties. I'm, I'm sorry, I, I, the, the, what we're bringing forward, I think, probably, is the, well, what we'd intended and, and is the, the best solution. Members, I'm gonna be opposing this. I would now move to table this amendment by Senator Watson.

: (Pause)
 PRESIDENT : Senator Fraser, Senator Watson.
 : (Long pause)
 : (Background noise)
 : Last time (inaudible, not speaking into the microphone)--

: (Inaudible, background conversation)
 PRESIDENT : Members, Senator Fraser has made a motion to table the Watson Amendment. Senator Watson, you're recognized to close.

WATSON : Thank you, Mr. President. Members--
 : Senator Zaffirini (inaudible, not speaking into the microphone)--

WATSON : --if the goal of this body is to preserve the integrity of the ballot by preventing voter fraud, and I believe we all want to prevent voter fraud, I doubt no one in that regard. And, if we want to make sure we're not having the unintended consequence of suppressing an honest person's right to vote. In fact, if we wanna go far enough as to say, we don't want to suppress an honest person's right to vote, then this amendment will achieve those goals. And, it will avoid the potential unintended

TEXAS SENATE STAFF SERVICES
 RM:jgh/337/FLSB14012611CD1SI/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION I

Texas Senate
 Staff Services

12

consequence of suppressing someone's right to vote. It would also do it in a way where we don't have to answer all of the difficult questions, or apparently difficult questions related, to the cost of Senate Bill 14. I move that you vote no on the motion to table, or I ask you to.

PRESIDENT : (Inaudible, background conversation)
 : All right, the motion is to table Floor
 Amendment Number 1. Secretary, call the roll.

SECRETARY : Birdwell. Carona. Davis. Deuell.
 : Where's (inaudible, background
 conversation)--

SECRETARY : Duncan. Ellis.
 PRESIDENT : Announce the vote.
 SECRETARY : Eltife. Estes. Fraser. Gallegos.
 Harris. Hegar. Hinojosa. Huffman. Jackson. Lucio. Nelson. Nichols.
 Ogden. Patrick. Rodriguez. Seliger. Shapiro. Uresti. Van de Putte.
 Watson. Wentworth. West. Whitmire. Williams. Zaffirini.

PRESIDENT : There bein' 19 ayes and 11 nays, the
 motion to table prevails. (Gavel)

ZAFFIRINI : Mr. President.
 PRESIDENT : Senator Zaffirini, for what purpose--
 ZAFFIRINI : Parliamentary inquiry.
 PRESIDENT : --do you rise?
 ZAFFIRINI : Parliamentary--
 PRESIDENT : Parliamentary--
 ZAFFIRINI : --inquiry.
 PRESIDENT : --inquiry, go ahead.
 ZAFFIRINI : Thank you, Mr. President. Mr.

President, in my notebook for today's proceedings, which my staff prepared for me, I have the committee printing of Senate Bill 14. However, I noticed that the bill, as introduced and as signed by the 19 coauthors, was distributed to all of us, I believe, on the Floor, and we have also received our packet of amendments. My question is, which bill are we working from today? Are all of the amendments in the packet related to the bill as filed, or to the committee printing?

PRESIDENT : We are working off the bill that has
 been distributed to you, which is the filed version.

ZAFFIRINI : The filed version, which is the double
 spaced version and not the committee printing, which is the single spaced
 version, correct?

PRESIDENT : Yes, Ma'am.

ZAFFIRINI : Correct.

PRESIDENT : An--And my question is, have you, are
 you aware of any differences other than the spacing?

ZAFFIRINI : Well, yes. For example, in one of the
 amendments, let me point it out, on Page 4 of our committee packet, there is

JA_001281

TX_00203383

TEXAS SENATE STAFF SERVICES
 RM:jgh/337/FLSB14012611CD1SI/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION I

Texas Senate
 Staff Services

13

an amendment by Senator Lucio. On Line 7 it refers to Page 2 between Lines 23 and 24. Well, there's different information on Page 2 of the double spaced version versus Page 2 between (inaudible) and 23 of the single spaced version. So, so long as we know which version we're working off of, that's fine.

PRESIDENT : (All right), well, to the extent that there's confusion, please ask. But, it's the intent of the Chair to go over the filed version and i--in--in case you recognize a discrepancy between the amendment and the filed version, please point it out, but--

ZAFFIRINI : All right, bu--

PRESIDENT : --goin' off the filed version.

ZAFFIRINI : --off the filed version, the double spaced version.

PRESIDENT : Yes--

ZAFFIRINI : Thank you--

PRESIDENT : --Ma'am.

ZAFFIRINI : --Mr. President.

PRESIDENT : The following amendment, the Secretary will read the amendment.

: (Inaudible, background conversation)

SECRETARY : Floor Amendment Number 2 by Davis, is not in your packet. Amends Senate Bill 14 by adding the following appropriately numbered section.

PRESIDENT : All right, we'll take a moment for that to be distributed.

: (Pause)

: I'm takin' a moment.

PRESIDENT : Okay, Senator Davis, you're recognized on your amendment.

DAVIS : Thank you, Mr. President. This amendment simply states, very clearly, that the intention will be at the Department of Motor Vehicles, an affirmative requirement will exist for the Department of Motor Vehicle personnel to inform a person who has applied at the DMV office for a state ID, that if the application for the state ID is for purposes of voting, they can be offered that ID for free. It simply shifts the burden to the employee of the DMV, rather than for the person who comes in, to be equipped with the knowledge that they have to ask for the free ID in order to receive it for purposes of voting. (Pause) I move adoption of Floor Amendment Number 2.

PRESIDENT : Senator Davis moves adoption of Floor Amendment Number 2. Senator Fraser is recognized on Floor Amendment Number 2.

FRASER : Members, this is, obviously, an amendment I had not seen, that looks like that there is a large expense to this. It would cost, as a result of this, I would now move to table.

JA_001282

TX_00203384

TEXAS SENATE STAFF SERVICES
 RM:jgh/337/FLSB14012611CD1SL/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION I

Texas Senate
 Staff Services

14

PRESIDENT : Senator Va--Fraser moves to table Floor Amendment Number 2. Senator Davis is recognized to close on her amendment.

DAVIS : Thank you, Mr. Chair. Yesterday, when we had a conversation about the intention of Senate Bill Number 14 it was stated, in the record, that it was our intention that any person who comes into, or the bill author's intention, that any person who comes into the Department of Motor Vehicles would be informed that they could get a state ID for free if they were requesting that form for purposes of using it, or using that ID for voting. If we do not intend to inform people, as they come to the DMV to make the request for that state ID, that they can be given the ID for free if they intend to use it for voting, then we have completely rendered meaningless the intention of that rule as was stated in the Senate bill layout, yesterday. I do not believe this adds any cost to the bill, whatsoever, if we are true to the author's stated intention, that persons who come into the DMV applying for a state ID for purposes of voting, are made aware that that can be given to them for free by the DMV personnel. I move adoption and ask for a no vote on the Floor, the move to table the Floor Amendment Number 2.

PRESIDENT : All right, (Sendador) (sic) (clears throat) Fraser moves to table Floor Amendment Number 2, the vote is on the motion to table. Secretary, call the roll.

SECRETARY : Birdwell. Carona. Davis. Deuell. Duncan. Ellis. Eltife. Estes. Fraser. Gallegos. Harris. Hegar. Hinojosa. Huffman. Jackson.

: (Got my) (inaudible, not speaking into the microphone)--

SECRETARY : Lucio. Nelson. Nichols. Ogden. Patrick. Rodriguez. Seliger. Shapiro. Van de Putte. Watson. Wentworth. West. Whitmire. Williams. Zaffirini.

PRESIDENT : There are 19, there bein' 19 ayes and 11 nays, the motion to table prevails.

: (Inaudible, background conversation)

PRESIDENT : (Ready?) The following amendment, Secretary will read the amendment.

SECRETARY : Floor Amendment Number 3 by Lucio, Hinojosa, and Gallegos. This is on Page 4 in your packet. Amend Senate Bill Number 14 in Section 3 of the bill.

: (Inaudible, background conversation)

: Senator Lucio.

PRESIDENT : The Chair recognizes Senator Lucio on Floor Amendment Number 3.

LUCIO : Thank you, Mr. President. Members, this amendment simply adds a requirement that all posting notices for this bill be both in English and Spanish. As you've heard over the last several Sessions, this legislation disproportionately affects minority voters,

TEXAS SENATE STAFF SERVICES
 RM:jgh/337/FLSB14012611CD1SL/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION I

Texas Senate
 Staff Services

15

particularly Spanish speakers in my district and all along the Border.

: (Inaudible, background conversation)
 LUCIO : According to a study by the Brennan Center, 16 percent of voting age Hispanic citizens do not have a current government issue (sic) photo ID, twice the percentage of White citizens. Se-- further, 63 percent of Hispanic women do not have a voter ID. That's what I, what it does, and I'd like to move adoption.

: Senator.
 PRESIDENT : Wait, Senator, Senator G--Gallegos moves adoption of Floor Amendment Number 3.

: Gallegos?
 : Lucio.
 : (Inaudible, background conversation)
 PRESIDENT : I mean Se--oh, I'm sorry. Senator Lucio moves adoption of Floor Amendment Number 3.

: Oh.
 FRASER : Uh, M--Members, I'm, I'm, I'm gonna ask Senator--

PRESIDENT : Chair--
 FRASER : --Lucio--
 PRESIDENT : --recognizes Senator Fraser on the motion.

FRASER : --the, the description you just gave, you, you have two amendments. The one you've just described was the second amendment which was the Spanish amendment. This is the amendment that would say, this would be relating to--

: This is actually (inaudible, background conversation)--

FRASER : --requiring the county clerks to post in, in the, any language which the voter registration materials are available. So, thi--this, you, you, I'm, I'm, the amendment before us, I'm gonna accept, but the description you just did is not correct.

LUCIO : Well, the amendment that I'm talkin' about is, is the one in your packet that's, that simply r--underlines Web site and add English and Spanish, that the county clerk of each county shall post in the prominent location in the county clerk's office, a physical copy of the notice prescribed by Section A, in English and Spanish. That's it.

: (Inaudible, background conversation)
 FRASER : Mis--

: (Inaudible, background conversation)
 FRASER : --they--

LUCIO : Hold (up).

FRASER : --they've got the wrong amendment (up).

: Senator Gallegos'.

JA_001284

TX_00203386

TEXAS SENATE STAFF SERVICES
 RM:jgh/337/FLSB14012611CD1SI/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION I

Texas Senate
 Staff Services

16

speaking into the microphone)-- : This is (Gallegos') (inaudible, not
 into the microphone)-- : Oh, I'm sorry (inaudible, not speaking
 : They, they, they screwed it up.
 : (Inaudible)
 : They screwed it up.
 : (Inaudible, background conversation)
 : (Oh, yeah.)
 : (Inaudible, not speaking into the
 microphone)
 : Page 4 is what we're on.
 : (Didn't I just warn you about it.)
 : They may call the wrong name and
 (use another) (inaudible, not speaking into the microphone)--
 : (Inaudible, background conversation)
 : I know, this is (inaudible)--
 : But (the) (inaudible)--
 : (Inaudible) the agency.
 : I don't (inaudible, not speaking into
 the microphone)--
 LUCIO : I think there's, Mr--Mr--Mr., Mr.
 President--
 : (Inaudible, background conversation)
 LUCIO : --I think there's b--been a mix up in
 two amendments, one by Senator Gallegos and one by me.
 PRESIDENT : All right. Let's do this, let's back up.
 Would you withdraw your motion to adopt--
 LUCIO : I move to--
 PRESIDENT : --Floor Amendment--
 LUCIO : --withdraw--
 PRESIDENT : --Number 3?
 LUCIO : --I m--I move to withdraw adoption on
 the amendment that I--
 : (Inaudible, background conversation)
 LUCIO : --described right here at this time.
 PRESIDENT : Okay. Members--
 : (Inaudible, background conversation)
 PRESIDENT : --Senator Lucio has withdrawn his
 motion. We're still on Floor Amendment Number 3. We will ask the
 Secretary to read the amendment in full.
 SECRETARY : Floor Amendment Number 3, amend
 Senate Bill Number 14 as follows. In Section 3 of the bill, an added Section
 31.012 parens A, Election Code, Page 2, Line 19, between Web site and the
 period, insert in each language in which voter registration materials are

TEXAS SENATE STAFF SERVICES
 RM:jgh/337/FLSB14012611CD1SI/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION I

Texas Senate
 Staff Services

17

available. In Section 3 of the bill, add a new subsection to added Section 31.012, Election Code, Page 2, between Lines 23 and 24 to read as follows, all new language, parens C, the county clerk of each county shall post, in a prominent location at the clerk's office, a physical copy of the notice prescribed under Subsection A in each language in which voter registration materials are available, by Gallegos.

: All right. The Chair recognizes Senator Gallegos on his amendment.

GALLEGOS : Thank you, Mr. President. Mr. President, this amendment, that's also sponsored by Senator Lucio and, and Senator Hinojosa, that it allows, it simply specifies that on the voter education materials that will be available on the Secretary of State's Web site, and various county Web sites, that wi--it'll be available in the languages in which voter registration materials are available. And the amendment requires that the education materials are posted in the county clerk's office in each language. For example, Harris County, right now, has it in English, Spanish and Vietnamese, and, and all I'm doin' is clarifying here, Members, that the, it assures that the educational materials, informing citizens about the changes to election procedures, will be available in those languages as well. And I believe it's, the amendment is acceptable to the author.

PRESIDENT : Chair recognizes Senator Fraser on Amendment Number 3.

FRASER : And Senator Gallegos, Lucio, and Hinojosa, yes, this amendment is, in keeping with, according to the Secretary of State, by federal law, the, the counties ar--are, are doing this, and this is a good m--amendment and it is acceptable.

GALLEGOS : Thank you.

PRESIDENT : Senator Gallegos moves that Floor Amendment Number 3 be adopted. It's acceptable to the author. Is there any objection? Chair hears none, (gavel) amendment's adopted.

: (Inaudible, background conversation)

: That's the one (inaudible, not speaking into the microphone)--

: (Pause)

PRESIDENT : The following Floor Amendment Number 4 by Lucio. Secretary will read the amendment.

SECRETARY : Floor Amendment Number 4 by Lucio, amend Senate Bill Number 14 as follows in Section 3 of the bill. This is Page 5 in your packet.

PRESIDENT : Senator Lucio is recognized on Floor Amendment Number 4.

LUCIO : Mr. President, and I'd like to see a copy of the amendment that you have there, because I wanna make sure, 'cause I'm gonna make a motion to pull it down if it's the one that I--

PRESIDENT : Okay.

TEXAS SENATE STAFF SERVICES
 RM:jgh/337/FLSB14012611CD1S/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION I

Texas Senate
 Staff Services

18

LUCIO : --described a little while ago.
 PRESIDENT : Just come on up.
 : Since we just passed the one with all
 languages. (Dudn't) (sic) he need to withdraw that?
 : (Inaudible, background conversation)
 : Okay, you explain it to him.
 : He was talkin' 'bout (before we)
 (inaudible, not speaking into the microphone)--
 : (Inaudible, not speaking into the
 microphone)
 LUCIO : Mr. President and Members, since the
 Gallegos amendment was accepted by Senator Fraser, this amendment is no
 longer ned--it--needed, so I'll pull it down at this time, Sir.
 PRESIDENT : All right. Thank you. Senator Lucio
 withdraws Floor Amendment Number 4. Following amendment, Floor
 Amendment Number 5, the Secretary will read the amendment.
 SECRETARY : Floor Amendment Number 5 by
 Zaffirini, amend Senate Bill 14 in Section 3. This is Page 6 in your packet.
 PRESIDENT : Chair recognizes Senator Zaffirini--
 ZAFFIRINI : Thank you--
 PRESIDENT : --on the amendment.
 ZAFFIRINI : --Mr. President. Mr. President and
 Members, this is a similar amendment. However, it would provide that the
 notice of the photo ID requirements be posted separately from all other
 notices required by state and federal law. It would re--preclude the notice
 being tacked on at the bottom of a longer notice, such as the federal Help
 America Vote Act that is a notice required at each polling place. I don't know
 about you, Members, but when I'm reading something important like this, I
 like to see the most important information first. Accordingly, it is worthy of
 being posted separately, not buried at the end of a lengthy, dense, federal
 notice. Mr. President and Members, I move adoption of Amendment Number
 5.
 PRESIDENT : Senator Zaffirini moves adoption of
 Amendment Number 5. Senator Fraser is recognized on the motion.
 : (Background noise)
 FRASER : Members, we're, we, actually havin' a
 discussion about this one. I'm just tryin' to make sure that this is not an, a
 unfunded mandate on the counties, but it'd (sic) believe, I believe the
 counties, this is something that they would be expected to do and I think it's
 just instructions to the counties. I, I think I'll go ahead and accept this.
 ZAFFIRINI : Thank you, m--S--Senator Fraser.
 PRESIDENT : All right, Senator Zaffirini moves
 adoption of Floor Amendment Number 5, is acceptable to the author. Is there
 any objection? Chair hears none, (gavel) amendment's adopted.
 ZAFFIRINI : Thank you, Mr. President and

TEXAS SENATE STAFF SERVICES
RM:jgh/337/FLSB14012611CD1SI/031912
82ND LEGISLATIVE SESSION
EXCERPT: SENATE BILL 14
JANUARY 26, 2011
COMPACT DISC 1, SECTION I

Texas Senate
Staff Services

19

Members, and Senator Fraser.

PRESIDENT : The following amendment, the Secretary will read the amendment, Floor Amendment Number 6.

SECRETARY : Floor Amendment Number 6 by Davis, amending Senate Bill 14 in Section 7 of the bill, this is not in your packet, by adding the following language. If, in determining whether a voter's name is on the list of registered voters, the election officer determines that the voter's name on the documentation does not match exactly the name on the list, the voter shall be accepted for voting as otherwise required by this section, if the voter submits an affidavit stating that the voter is the person on the list of registered voters.

PRESIDENT : Chair recognizes Senator Davis on the amendment.

DAVIS : Thank you, Mr. President. This amendment seeks to provide an opportunity for a voter to continue with their desire to vote by correcting a misspelling of their name on the voting list, or an error in the way their name is listed. This concern, particularly, arises in the Hispanic community, where maiden names are added often to married surnames in a way that can sometimes create a confusing record for the election officer. I move adoption of the Floor Amendment Number 6.

PRESIDENT : Senator Davis moves adoption of Floor Amendment Number 6. Senator Fraser recognized on the motion.

FRASER : Senator, this, we had asked everyone to please submit amendments so we would have sufficient time to, to go over and ask 'em. The, the amendments (sic) you're laying out, I believe, is covered under the current policies of the Secretary of State. I think this was something (sic) was talked about, and they currently cover this. And ther--there's rules determining this. Based on the fact that we got this so late, we don't have time to research it, and I believe it is under current law, I would now move to--

PRESIDENT : Senator--

FRASER : --to table the motion.

PRESIDENT : --Senator, before you make that motion, would you like to pull down this amendment temporarily to see if you can resolve the uncertainty?

DAVIS : Be happy to do that, Mr. President.

PRESIDENT : Is that all--

DAVIS : Thank you.

PRESIDENT : --right with you, Senator Fraser?

FRASER : Sure.

PRESIDENT : All right, Senator Fraser withdraws his motion to table. Senator Davis temporarily withdraws Floor Amendment Number 6.

: Well, this (inaudible, not speaking into the microphone)--

JA_001288

TX_00203390

TEXAS SENATE STAFF SERVICES
RM:jgh/337/FLSB14012611CD1SL/031912
82ND LEGISLATIVE SESSION
EXCERPT: SENATE BILL 14
JANUARY 26, 2011
COMPACT DISC 1, SECTION I

Texas Senate
Staff Services

20

PRESIDENT : (Inaudible, background conversation)
: The following amendment, the
Secretary will read the amendment.

SECRETARY : Floor Amendment Number 7 by Van
de Putte, on Page 7 in your packet, amending Section 63.01 D.

PRESIDENT : All right, the Chair recognizes Senator
Van de Putte to explain her amendment.

VAN DE PUTTE : Thank you, Mr. President. Mr.
President and Senator Fraser, this is the college student amendment. And
the rationale for this is that the amendment makes sure that the election
officer really uses the photo identification for identification purposes only.
It's the photo, it matches up, it's what we've been talking about for the past
few days about fraud. In this amendment, the election officer may not
consider whether the address matches the address shown on the voter
registration. And it's es--especially important for our college students. This
past September, I was informed by my six-foot-five baby, who is a junior at
A&M, that he was changing his voter registration, somehow or another
convinced that he needed to be able to vote for the current president pro
tempore and abandoning his mother.

: (Laughter)

VAN DE PUTTE : He is at A&M but decided that the
elections in that particular community, which he has lived for three years,
that he felt more akin to that, and therefore, would, for the first time, vote in
Brazos County and not in Bexar County. Now, my son Paul is like many
other college students. When college students usually keep their parents
address, they do so because that's their permanent record, because they may
live in a dorm, they may live in an apartment, sometimes they change dorms.
But what they do, is they keep, for driver's license purposes, as is their
insurance, they keep their ho--their parents--

: Uh-hum.

VAN DE PUTTE : --home address. And so, when college
students register to vote in the cities in which they reside, attending the
university, like my son decided he needed to vote for the Senator from that
area, that it was very difficult, I think, if it was a f--this law was in place,
because my son's residence in the driver's license is listed in st--in Bexar
County, in San Antonio. This is especially important for our students,
though, all over. But, if you think about the students at Prairie View A&M.
Prairie View A&M, it is a historically Black college, a very proud tradition in
our State, with a history that begin (sic) because of discrimination and now
has to be funded and we enjoy, and we are so proud of those students. Now,
if you look where Prairie View A&M is located, most of the students that go
to Prairie View A&M do not come from that county, that particular area. In
fact, they come from all over the State. And as a historically Black college, it
is very important for those students, should they choose to register at the
location of Prairie View A&M, that they not be turned away from their right

TEXAS SENATE STAFF SERVICES
 RM:jgh/337/FLSB14012611CD1SI/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION I

Texas Senate
 Staff Services

21

to vote because of a difference in the address. This amendment ensures that our college students, including my Aggie, Paul, may, would not be prohibited from voting because their photo identification does not match the address, because of, on the registration. And so, I would ask that you would consider this for our college students. This makes sure, especially with our young students, that they are not disenfranchised by this Bill, SB 14.

PRESIDENT : All right, Senator Fraser--

FRASER : Senator, I, I agree--

PRESIDENT : -- (inaudible, overlapping conversation)--

FRASER : --I wanna make sure that if the student shows enough initiative that they're, they're tryin' to vote and they registered in the area, that we make sure we get 'em to, to vote. The good thing about this, this is current practice. You know, we have, this has already been taken care of now under the, the current practice of the Secretary of State. The election worker is always required to ask the address on the voter registration roll is current, and they ask the person that no matter what the documentation is shown. I, I appreciate your intent, but we've already covered, we, this is already covered under current practice. I would move to table--

PRESIDENT : --wait, wait--

FRASER : --the motion.

PRESIDENT : --wait a second. We don't have a motion. Senator Van de Putte, you're recognized for a motion on Floor Amendment Number 7.

VAN DE PUTTE : Well, thank you very much, and, and since we're in uncharted territory on photo ID, this would, this is more like belts and suspenders. And I know that as part of the training, that they would be able to do that. But I'm 'onna (sic) tell you, when my son went to vote, and cast his ballot, he was questioned, just this past November, why he had his voter registration card, that was brand-new and issued to him, and he got it barely in time, and yet his driver's license, because he left, he left, and he was not on the original roll. When they looked at the addendums, since he was the last person, he, he actually registered within the last 24 hours that was available to do so, they had to look on a secondary list because he was a brand-new registrant. And so they asked him, and he did produce, they did have an addendum there that said, Paul Xavier Van de Putte, they couldn't find him. And do you know why they couldn't find him? Because someone who had entered in the data had put in V-A-N space D-E space P-U-T-T-E, when they should've put in Van de Putte all at the end, so he was listed under Paul Xavier and then Van, but they miss di--so they could--they didn't put him in. So, because of that compounding error, he was on an addendum and they asked, rightly so, well, you know, you're here, you're Van. And he said, no, and he took out his driver's license. At that point, he was questioned because his driver's license was listed in Bexar County, in

TEXAS SENATE STAFF SERVICES
 RM:jgh/337/FLSB14012611CD1SI/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION I

Texas Senate
 Staff Services

22

1616 West Mulberry. And, so, I bring this up because while we think everything is cut and dry, Members, it is not. We have so many election judges. We pay them minimum wage. We, and we're fixin' to cut that by two dollars an hour in, in the current budget, and the training that takes place, and so, I wanted to make sure that my son, even though, you're, you're correct, it's in there, and they're supposed to do it. This is just belts and suspenders, so, thank you. I, I appreciate that. I wouldn't've brought this up, except for my son Paul.

PRESIDENT : Senator Van de Putte moves adoption of Committee Amendment Number 7. Senator Fraser--

FRASER : M--Mr. Chairman, I didn't hear a motion. Did you make a motion--

PRESIDENT : --uh--

FRASER : --or di--will you pull it down?

PRESIDENT : --I've been told by the Parliamentarian that I've been incorrect. It's assumed she made that motion--

VAN DE PUTTE : I move to a--

PRESIDENT : --(inaudible)--

VAN DE PUTTE : --I move adoption of Committee Amendment Number 7 and then you move to table, is that correct?

PRESIDENT : --that's correct, but I just, clarify for the Senators, it's not required for her to make a motion. The amendment is on the Floor and it's assumed that that motion has already been made. So, Senator Fraser, you're recognized for a motion.

FRASER : Senator, thank goodness your son got to vote. An--And it's g--I'm glad we've got--

: (Sure.)

FRASER : --a system in place that does that.

VAN DE PUTTE : Votin' for (inaudible, overlapping conversation)--

FRASER : Thank you for your input and I would now move to table the amendment.

: (Inaudible, background conversation)

PRESIDENT : All right, Senator Fraser moves to table Floor Amendment Number 7. Senator Van de Putte's recognized to close.

VAN DE PUTTE : Thank you, and I won't belabor the point, but, Members, I ask you to consider our college students, and particularly those who wa--we want them to get en--engaged in the civic process. Again, this is in current practice, on the books, but just having this extra, I think, would add e--a--added weight, and I ask you to vote no on the motion to table.

PRESIDENT : All right, the motion is to table Com--Floor Amendment Number 7, Secretary, call the roll.

SECRETARY : Birdwell. Carona. Davis. Deuell.

TEXAS SENATE STAFF SERVICES
 RM:jgh/337/FLSB14012611CD1SI/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION I

Texas Senate
 Staff Services

23

Duncan. Ellis. Eltife. Estes. Fraser. Gallegos. Harris. Hegar. Hinojosa. Huffman. Jackson. Lucio. Nelson. Nichols. Ogden. Patrick. Rodriguez. Seliger. Shapiro. Van de Putte. Watson. Wentworth. West. Whitmire. Williams and Zaffirini.

PRESIDENT : There being 19 ayes and 11 nays, the motion to table prevails. (Gavel) (Pause) The following amendment, the Secretary will read the amendment.

SECRETARY : Floor Amendment Number 8 by Davis. This amendment is being passed out. It's not in the packet. Amend Senate Bill Number 14 in Section 7, amended Section 63.01 D of the Election Code.

: (Pause)

PRESIDENT : All right, Senator Davis, you're recognized on Floor Amendment Number 8.

DAVIS : Mr. President, I apologize. I thought this was an amendment that we had pulled down, it's duplicative of the floor amendment that Senator Van de Putte made a moment ago, and I will pull this--

PRESIDENT : Okay--

DAVIS : --floor amendment down.

PRESIDENT : --Senator Davis withdraws Floor Amendment Number 8.

: (Long pause)

: (Background noise)

: (Inaudible, not speaking into the microphone) you ain't (inaudible, not speaking into the microphone) for that.

: Hum?

: (Inaudible, background conversation)

: (Laughter)

PRESIDENT : The following amendment, the Secretary will read the amendment.

SECRETARY : Floor Amendment Number 9 by Hinojosa. This is being passed out. It's not in your packet. Amend Senate Bill 14 in Section 9 of the bill by striking added Section 63.01--012 C and replacing with the following, this section expires September 1, 2017.

PRESIDENT : Chair recognizes Senator Hinojosa on his amendment.

HINOJOSA : Thank you, Mr. President and Members. If you'd notice in Senate Bill 14, there's a section that requires for the election officer to direct a voter who doesn't have proper identification to the place where he ca--where he or she can get a free photo ID. But this section expires September 1st, 2013 under the bill. My amendment changes the Sunset date to September 1st, 2017. I just feel that we need more time to educate and it--and require the election officer to notify those voters who don't have a photo ID be directed to the proper place where they can acquire one. I move adoption.

TEXAS SENATE STAFF SERVICES
RM:jgh/337/FLSB14012611CD1SI/031912
82ND LEGISLATIVE SESSION
EXCERPT: SENATE BILL 14
JANUARY 26, 2011
COMPACT DISC 1, SECTION I

Texas Senate
Staff Services

24

PRESIDENT : Senator Fraser, you're recognized on the motion.

FRASER : Senator, if you could give me one second. I'm looking up, makin' sure it matches up. I, I think I'm okay, but I wanna look at this.

HINOJOSA : That's on Line 24, Page 5. I'm just changin' the date. You have a Sunset date of September 1st, 2013. My amendment moves that to September 1st, 2017.

: (Inaudible, background conversation)

: Is this Floor Amendment Number 9, is that right?

: Yes.

: I don't think it does (inaudible, not speaking into the microphone)--

: (Long pause)

FRASER : Senator, this is, yeah, and this is a good amendment. This is one that I like. It'll actually, you know, we're, I, I agree with you, that it'll allow more time. This, this amendment's acceptable.

HINOJOSA : 'Kay. I move adoption, Mr. President and thank you.

PRESIDENT : All right. Senator Hinojosa moves that Floor Amendment Number 9 be adopted. It is acceptable to the author. Is there any objection? (Gavel) Chair hears none, the amendment's adopted. Following amendment, the Secretary will read the amendment.

SECRETARY : Floor Amendment Number 10 by Zaffirini. This is Page 9 in your packet. Amending Section 7.

: (Inaudible, background conversation)

PRESIDENT : Chair recognizes Senator Zaffirini on the amendment.

ZAFFIRINI : Thank you, Mr. President. Mr. President and Members, Senate Bill 14, as introduced, provides only one exception to allow votes to be accepted when they are cast by persons who do not have photo ID. That exception is if they are older than 70 by January 1st, 2012. During our public and invited testimony yesterday, we heard from several persons who felt that the burden of Senate Bill 14 would prevent either them or their loved ones from having their votes counted. This amendment addresses those concerns. Generally, Amendment 10 would allow all persons who possess a voter registration certificate, and whose names are on the precinct's voting rolls, the ability to have their votes accepted for counting if they execute an affidavit under penalty of perjury, stating that the voter is the person named on the voter registration certificate. This affidavit would be in a form prescribed by the Secretary of State and must include the voter's name, address, date of birth and signature. For supporters of Senate Bill 14, please know that there already some sections within the bill that allow for affidavits in certain

TEXAS SENATE STAFF SERVICES
 RM:jgh/337/FLSB14012611CD1SI/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION I

Texas Senate
 Staff Services

25

circumstances. You'll see those in Sections 10, 11, 15 and 13 in the bill. We also heard that other states, that have similar laws, such as that that we are considering, have amendments such as these attached to those bills. According to the National Conference of State Legislatures, for example, at least half of the states that require photo ID allow an affidavit to be used in lieu of that photo ID. This amendment ensures that low income persons, minorities and persons with disabilities have the opportunity to have their votes counted, even if they do not have a photo ID. Mr. President, I move adoption of Amendment Number 10.

PRESIDENT : Senator Zaffirini, Senator Fraser,
 Senator Duncan.

: (Long pause)

: (Background noise)

: Huh?

: (Inaudible, background conversation)

: Oh, I don't know (inaudible, not

speaking into the microphone)--

: Yeah.

: (Inaudible, background conversation)

: Huh?

: (Background noise)

: (Inaudible, background conversation)

: We have several (inaudible,

background conversation)--

: (Background noise)

: (Inaudible, background conversation)

: Yeah.

: (Laughter)

: (Inaudible, background conversation)

: (Coughing in background)

PRESIDENT

: All right. Members--

: (Coughing in background)

PRESIDENT : --Senator Zaffirini has explained
 Committee Amendment Number 10 and has made a motion to adopt
 Committee Amendment Number 10. Senator Fraser, you're recognized on
 the motion.

: (Inaudible, not speaking into the

microphone)

FRASER

: It--has a motion been made--

: Yes.

FRASER

: --to me? Senator, the, the amendment

you're laying out would eliminate this as a true photo ID bill. As I said yesterday, we've had two more years, since two years ago, to see that photo ID is working in other states. And we've had two years to see that voter str--fraud is still a problem. I believe that, that a pure photo ID bill is simpler

TEXAS SENATE STAFF SERVICES
 RM:jgh/337/FLSB14012611CD1SL/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION I

Texas Senate
 Staff Services

26

and less confusing for the voters. I would now move to table the Amendment Number 10.

PRESIDENT : All right, Senator Fraser moves to table Floor Amendment Number 10. Senator Zaffirini, recognized to close.

ZAFFIRINI : Thank you, Mr. President. Mr. President and Members, and I urge you to vote to adopt this amendment. It is very specific and, quite frankly, it is difficult t--m--for me to understand how or why you would vote against it. It specifically applies to persons who have a voter registration certificate and whose names are on the precincts voting rolls. They have the ability, and should have the ability, to have their votes accepted, if they acs--if they should execute an affidavit under penalty of perjury, stating that the voter is the person named on the voter registration certificate. It is very simple. It applies only to persons who do not have a voter ID. Many of those persons are low income families, are minorities, and are the elderly, and I would hope that you would support this bill, this amendment, and vote no on the motion to table.

: (Inaudible, background conversation)
 PRESIDENT : Members, Senator Fraser moves to table Floor Amendment Number 10. The vote is on the motion to table. Secretary, call the roll.

SECRETARY : Birdwell. Carona. Davis. Deuell. Duncan. Ellis. Eltife. Estes. Fraser. Gallegos. Harris. Hegar. Hinojosa. Huffman. Jackson. Lucio. Nelson. Nichols. Ogden. Patrick. Rodriguez. Seliger. Shapiro. Van de Putte. Watson. Wentworth. West. Whitmire. Williams and Zaffirini.

PRESIDENT : There being 18 ayes and 12 nays, the motion to table prevails.

ZAFFIRINI : Thank you, Mr.--

: (Gavel)

ZAFFIRINI : --President.

: (Inaudible, background conversation)

: Had one R (inaudible, not speaking into the microphone)--

: Huh?

: --we had one R that went with 'em?

: But it wasn't--

: Eighteen to twelve.

: (Inaudible, background conversation)

WENTWORTH : Mr. President.

: (Inaudible) failed.

: Oh.

(Lieutenant Governor Dewhurst, Presiding)

TEXAS SENATE STAFF SERVICES
 RM:jgh/337/FLSB14012611CD1SI/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION I

Texas Senate
 Staff Services

27

PRESIDENT : Senator--
 : (Inaudible, background conversation)
 PRESIDENT : --Wentworth, for wha--what purpose?
 WENTWORTH : My understanding that the motion to
 table passed. It was just announced.

: (Inaudible, background conversation)
 : Motion to table prevailed?
 : (Okay.)

PRESIDENT : Yes. I think Senator Ogden used the
 word prevail, but, but yes, it, it passed, prevails, yes. The following floor
 amendment, Floor Amendment Number 11 by Senator Davis and Senator
 Ellis. The Secretary will read the amendment.

SECRETARY : Floor Amendment Number 11 by
 Davis. This is not in your packet and is being passed out. Amend Senate Bill
 14 in Section 7 of the bill.

PRESIDENT : Do th--do you Members have a copy of
 the, the amendment? Does everyone have it? All right. Chair recognizes
 Senator Davis to explain Floor Amendment 11.

DAVIS : Thank you, Mr. President. This
 amendment arises as a result of the conversation that we had yesterday and
 concerns that were put into the record as part of the Committee of the Whole
 hearing regarding women who may have experienced a name change due to
 marriage or divorce, who come to the polling place to vote with an ID that
 may have a name that is different than that which appears on the registered
 voter list as a consequence of that marriage or divorce. It allows the woman
 to either provide a copy of her marriage license or divorce decree, or to
 execute an affidavit, an affidavit stating that her name, as on the precinct list
 of registered voters, is correct but has been changed due to marriage or
 divorce, which is not yet reflected on her ID. I move adoption of Floor
 Amendment Number 11.

PRESIDENT : Thank you, Senator Davis. The Chair
 recognizes Senator Fraser.

FRASER : M--Members, the, everything that's
 laid out here, I'm, first of all, I'm gonna comment that anyone that is a,
 someone coming forward, and if is a woman, and they present a marriage
 license, or divorce decree, you know, obviously, we want 'em to vote, but this
 is also current policy of the Secretary of State and the counties. They, you
 know, they ask that. And if this was given, we're doing this under current
 law. I would, I would move to table the Amendment Number 11.

PRESIDENT : The Chair recognizes Senator Davis--

DAVIS : Thank you, Mr. President--

PRESIDENT : -- (inaudible, overlapping
 conversation)--

DAVIS : --I would, I would argue that that is

TEXAS SENATE STAFF SERVICES
 RM:jgh/337/FLSB14012611CD1SI/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION I

Texas Senate
 Staff Services

28

actually not the case. Today, because a voter is not required to show a photo ID, the situation does not arise if there's a difference between the photo ID name and the name that's on the voter list. This is trying to cure the problem that will be created when every voter is asked to provide their voting ID, their photo ID, their state-issued ID when they go to vote. It absolutely is the case, that under that rule, a woman presenting a photo ID with a name different than that on the voter roll, may not be accepted for voting if we do not clarify that that must occur. And I would move that we o--oppose the motion to table Floor Amendment Number 11.

PRESIDENT : Senator Hi--Hi--Hinojosa, for what purpose do you rise?

HINOJOSA : To ask, see if Senator Davis will yield for a question?

PRESIDENT : There's been a motion to, to table. Senator Fraser? Senator Fraser, in order to permit Senator Hinojosa a, an opportunity to ask Senator Davis a question, do you mind temporarily withdrawing y--your motion to table?

FRASER : Uh.
 : (Inaudible, not speaking into the microphone)

FRASER : I will. D--will that give the opportunity, if I withdraw my motion, will that give her the opportunity to close again? I, I think what I'd rather do is just allow Senator Hinojosa if he wants to ask, (kestion) (sic), I would yield to Senator Hinojosa.

HINOJOSA : Hu--
 : (Inaudible, background conversation)
 FRASER : I'm, I'm, I'm offering to allow him to ask a question of, of--

: He can't do that when there's (inaudible, overlapping conversation)--

PRESIDENT : Well, on the screen, actually, Senator Ellis also wishes to, to ask a question, so, you've got Hinojosa, you have Senator Hinojosa a--and Senator Ellis who would like--

: (Inaudible, background conversation)
 PRESIDENT : --to speak, to ask Senator Davis a question.

: Uh--
 PRESIDENT : But y--but your motion to table prevails, so it's up to you what you wanna do.

: (Inaudible, background conversation)
 : (Yield?)
 : (It's no big deal.)
 : (Inaudible, background conversation)
 FRASER : Members, the, the table to motion n--n--ma--motion to table is not a debatable motion. There was an opportunity

TEXAS SENATE STAFF SERVICES
 RM:jgh/337/FLSB14012611CD1SI/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION I

Texas Senate
 Staff Services

29

earlier, before I made the motion, that if someone had a question of the author, that would've been the appropriate time to do that, and we do this every day. So, I don't, I'm gonna withdraw my motion to table, but this is highly irregular because there was an opportunity, when the motion was laid out, before I was recognized on the motion, that if someone wanted to speak, they could've asked a question. Is that not correct?

PRESIDENT : That is correct.

FRASER : I will now withdraw my motion to table.

PRESIDENT : The Chair, Senator H--Hinojosa, for what purpose do you rise?

HINOJOSA : To ask Senator Davis a question. She yield?

PRESIDENT : Will, will Senator Davis yield to Senator Hinojosa?

DAVIS : Yes, Mr. President.

HINOJOSA : Senator Davis, you heard that the Secretary of State's Office have a policy that would allow this practice, as you set out in your, in your amendment, but in real, real life, and al--and, and what the law states, is that if you have a policy, and the statute doesn't allow, that means that the, that the law will prevail, and not the policy. Isn't that correct?

DAVIS : Yes, that's correct.

HINOJOSA : So, the, so, the fact if it's not on the statute itself, then it cannot be done.

DAVIS : That is absolutely correct. And there's certainly no requirement that it be put into a policy if it's not written into the law.

HINOJOSA : Thank you.

DAVIS : Thank you, Senator Hinojosa.

: (Pause)

: (Inaudible, background conversation)

PRESIDENT : Senator Ellis, for what purpose?

ELLIS : Will Senator Davis yield for a question?

PRESIDENT : Will Senator Davis yield?

DAVIS : Yes.

ELLIS : Senator, ju--just, could you give, maybe from personal experience, some sense of how this could impact a, a female? I know I, I may have mentioned to you, in the lounge, that my wife uses her maiden name. In fact, that is her name. She only uses my name if she thinks it may avoid a problem, and in most cases, it may create a problem. So, rarely does she use--

: (Laughter)

ELLIS : --Ellis on her name. She'll do it to

TEXAS SENATE STAFF SERVICES
 RM:jgh/337/FLSB14012611CD1SI/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION I

Texas Senate
 Staff Services

30

accommodate me at a political event, but she never changed her name on our marriage certificate, it is not there. But, could you just give us some sense of how this could impact a, a woman?

DAVIS : Sure. In, in a real world example, a woman who has either married or divorced, and who has applied for a new voter ID certificate, a registration card in order to vote, will now have a name different on the registration record than that which is on her driver's license if she's not yet changed it. This gives her the opportunity to attest, or to provide information to the voting precinct election officer, that she is the person who is on the registered voter list, although that name may not be the name that's reflected on her state-issued photo ID.

ELLIS : And, would it be true by putting this into Senator Fraser's bill, instead of leaving it at the discretion of any given election officer, when we, putting in a new requirement for a photo ID, what we (sic) doin' is makin' sure if a woman is in Harris County voting, she'd have just as much of an ability if she uses her maiden name, or her married name, as a woman should have in Neuces County, or anywhere else?

DAVIS : That's exactly the case, Senator Ellis. And, in fact, yesterday, information was put into the record by a representative of the Secretary of State's office, that currently, election officers, varied by county, are allowed the discretion in determining whether they're going to accept a woman for voting in this particular circumstance. In fact, she stated on the record, that there is no uniform rule in place, but that it is left to the discretion of the individual election workers, based on what they've been told by the county registrar in that county.

ELLIS : Okay, thank you.

PRESIDENT : Senator Van de Putte, for what purpose do you rise?

VAN DE PUTTE : Will Senator Davis yield for a question?

PRESIDENT : Will Senator Davis yield--
 : (Inaudible, background conversation)

PRESIDENT : --to Senate--

DAVIS : Yes, I will.

VAN DE PUTTE : Thank you. Senator Davis, and I heard the exchange between yourself and Chairman Fraser, and when the Chairman said it's already in Election Code, I thought, well, okay, if it's already in Election Code like he stated when I had an amendment and, and, but then I just looked over the record, and at, at 1:45 yesterday afternoon, the, Ms. McGeehan for the Secretary of State said, when asked about the divorce, maiden name, and overall name situation with presentation of a photo ID, bu--that the voter registration, statewide directly addresses it, so it's a practical matter of what's happening to the poll workers that are making judgment calls as they qualify those voters for voting. And so, I'm looking at Section A, 63.001, a regular procedure for accepting voters, and on,

TEXAS SENATE STAFF SERVICES
 RM:jgh/337/FLSB14012611CD1SI/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION I

Texas Senate
 Staff Services

31

on, under that on Paragraph C, the current rule says, on presentation of a registration certificate, the election officer shall determine whether the voter's name is on the registration certificate, is on the list of registered voters. So, they do determine if just the name is on there, and they are making the call. At 1:46 p.m. yesterday afternoon, the, if you will recall, or is it your recollection, that Ms. McGeehan with the Secretary of State's office said, with regard to photo identification, and divorce, maiden name discrepancies, quote, at this point, the State law is silent on it. Our office has not issued any guidance on this matter, quote. That's definitely, probably something we need to look at. Is that your recollection of yesterday's testimony?

DAVIS : Yes, Senator Van de Putte, that's my recollection.

VAN DE PUTTE : Thank you, 'cause I was a little bit confused.

DAVIS : Thank you. Mr. President, as a courtesy to Members who are reviewing this amendment, I'm going to ask that we momentarily pull down Floor Amendment Number 11.

PRESIDENT : Members, Senator Davis temporarily pulls down Floor Amendment Number 11.

DAVIS : Thank you, Mr. President.

PRESIDENT : The Chairs (sic) la-lays out Floor Amendment Number 12 by Senator Davis. The, the Secretary will read the amendment.

SECRETARY : Floor Amendment Number 12 by Davis is being passed out. It is not in your packet. Amending Section 9 of the bill, which is adding Section 63.0012 A.

: (Inaudible, not speaking into the microphone) Secretary of State's Office to (inaudible, not speaking into the microphone)--

PRESIDENT : The Chair recognizes Senator Davis to explain Floor Amendment 12.

DAVIS : Thank you, Mr. President. This amendment seeks to satisfy concerns for indigent persons who will have to get underlying documentation in order to get their state-issued ID, that it will come to them at a cost, and they will not be able to vote as a consequence of not being able to pay that cost. There's been some effort in Senate Bill 14 to reflect an understanding that certain persons may not be able to afford the state ID that's required in order for them to vote. And, and, of course, in the language of that bill, there is a statement that the state ID would be offered for free. Unfortunately, underlying documentation that is often necessary to obtain the state ID does come at a cost, and so we have not cured the problem with the language that's in Senate Bill 14, as it stands today. What this amendment would do would be to allow that indigent person to receive underlying state documentation that's necessary in order to receive their

TEXAS SENATE STAFF SERVICES
 RM:jgh/337/FLSB14012611CD1SI/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION I

Texas Senate
 Staff Services

32

state ID for free as well, such as a birth certificate issued by the State of Texas. I move adoption of Floor Amendment Number 12.

PRESIDENT : (Inaudible, background conversation)
 : Senator Ellis, for what purpose do you rise?

ELLIS : I wanna ask Senator Davis a few questions, if she'll yield?

DAVIS : Yes, I do, thank you.

ELLIS : Senator, first, I wanna make the point that this is an amendment that you mentioned to some of us on yesterday, but, as a convenience to all of us and to the public, we did do somethin' fairly unorthodox, and we're hearing this now. So, it's not as though this amendment didn't get in on time, is that you thought you would be doin' this sometime tonight. I, I wanna ask you, as you, as you know, this bill is patterned after the Indiana bill, right?

DAVIS : Correct.

ELLIS : Okay, and this is a good amendment in part because Indiana offers some provisions for people to have access that we don't in this bill that's being considered. Indiana does not require an exact match of the name. It only needs to conform, which the state has defined to not mandate an exact match. Indiana legislation, in that legislation, there's no re-requirement in Indiana for an address to match. There's an exception for persons who have a religious objection to being photographed by using an after the fact affidavit to the county clerk's office to make the provisional ballot count. They have a large Amish community, but that provision is there. I don't know how many folks we have in Texas who have that provision. And, the language you're talkin' about, is included in the Indiana law, there's an exception for persons who are indigent and who would be unable to secure a free photo ID without the state paying a fee, or underlying documents, like a birth certificate. Like the, go get the photo ID if you gotta have a birth certificate, you don't have the money for that, you can't get it. Or, to go to a DPS office and get the photo ID, and you are broke and can't pay the surcharge because the insurance in Texas is about the, pretty high among major states, we're right up there near the top, not as high as Louisiana but pretty high. But, that issue--you do understand that this bill is considerably more restrictive than the Indiana law, and what you're offering is one provision that is in the Indiana law.

DAVIS : That's correct, Senator Ellis. And, and as was put into the, the record yesterday, in the State of Indiana, the Supreme Court decision that reviewed the State of Indiana voting, (photer) (sic), (voto) (sic) ID requirement, specifically stated that the burden that was experienced by the voter was not unconstitutionally prohibitive because the indigent voter was allowed an opportunity to attest that they could not receive the state ID based on their indigency status, that they could not apply for that state ID because they would have to pay either a cost for the ID or for

TEXAS SENATE STAFF SERVICES
 RM:jgh/337/FLSB14012611CD1SI/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION I

Texas Senate
 Staff Services

33

the underlying documents. This seeks to resolve that problem in a little bit of a different manner, which is to allow the person, who would need underlying documentation in order to get their free state ID, to also get free underlying documentation so that they have the opportunity to do that. If we don't adopt an amendment like this, Senator Ellis, my fear is we are simply instituting a poll tax in a different form.

ELLIS : Thank you. Thank you very much.

DAVIS : Thank you.

PRESIDENT : Senator Williams, for what purpose do you rise, Sir?

WILLIAMS : To ask the author of the amendment a question?

PRESIDENT : Senator Davis, will you yield?

DAVIS : Yes.

WILLIAMS : Senator Davis, I'm sorry, I hadn't seen this before. I don't know, wha--was this amendment prefiled before so we, or did you just bring this one to the Floor?

DAVIS : Well, Senator Williams, I filed this before, yes. And--

WILLIAMS : Okay.

DAVIS : --you know, the, the problem that we're dealing with, today, is we all thought we were coming back at 9:20 tonight. When we adjourned last night--

WILLIAMS : Yeah.

DAVIS : --that was the decision that was made. As a courtesy, of course, and so that our, our public can watch these proceedings and see what's happening on the Senate Floor today, we've all agreed that we're going to come back earlier, which we--

WILLIAMS : Okay--

DAVIS : --did. And this was filed, yes, before--

WILLIAMS : --(inaudible)--

DAVIS : --we came to the Floor today. I apologize for the fact that you're just now receiving it, but this is--

WILLIAMS : --(inaudible)--

DAVIS : --an emergency issue, as we've been told--

WILLIAMS : --right.

DAVIS : --and things are operating a little differently than we thought they--

WILLIAMS : Well--

DAVIS : --were going to.

WILLIAMS : --le--let me ask you, I, you've, you've made a number of statements here about your concern about indigent people, but I'm not sure that we're not just opening this up to free identification or free birth certificates for everybody. I'm not sure, I don't see the word

TEXAS SENATE STAFF SERVICES
RM:jgh/337/FLSB14012611CD1SL/031912
82ND LEGISLATIVE SESSION
EXCERPT: SENATE BILL 14
JANUARY 26, 2011
COMPACT DISC 1, SECTION I

Texas Senate
Staff Services

34

indigent in here anywhere, so help me understand how, where's the restricting language here?

DAVIS : Well, interestingly, Senator Williams, in the bill itself, where the free state IDs are now to be offered to persons who come to a DPS office and state that they need that ID for purposes of voting, there's also no (indinchee) (sic), indigency requirement in the language of Senate Bill 14 as it's been proposed today. This simply reflects the same language as has been presented in Senate Bill 14, extending it to underlying documentation that's needed to get that ID, as well as the ID itself.

WILLIAMS : Well, and I think the intent was to, if someone needed a state ID, would be that we would absorb the cost of that, but here, I think, what you're doing is you're also including birth certificates now. Is this, this would, everybody that would say they needed a birth certificate for the purposes of getting their free state ID would now be able to obtain that, where anyone else could, have to pay the twenty-two dollars, or whatever the local fee happens to be. Are we puttin' this back on the counties? Would this be an unfunded mandate on the counties? Are they ones, or is it the Department of Health?

DAVIS : Well, I ha--I have a great deal of concerns of (unfended) (sic) mandates that are coming out of Senate Bill 14, Senator Williams. This, as I said, c--mirrors, identically, the language that's in Senate Bill 14, in terms of the provisions to get a free state ID. There's no requirement there that an affidavit of indigency be signed. And, in fact, that's one of the concerns that was raised yesterday, about the bill and the costs of the bill, if everyone is provided the opportunity now to walk into a DPS office and ask for a free state ID, without having to show indige--indigency, what might those costs be? That was one of the questions that we entered into the record yesterday.

WILLIAMS : Thank you.

DAVIS : Thank you.

: (Pause)

PRESIDENT : The Chair recognizes Senator Fraser on Floor Amendment 12.

FRASER : Members, Senator Williams' observation is exactly the observation that, that I made by this amendment. There's not a, a means test here to identify who would be using it, and basically, anyone could go in and say, I wanna get a free ID and get any of these services free of charge. I would now move to table the Amendment Number 12.

PRESIDENT : Chair recognizes, the Chair recognizes Senator Davis to close.

DAVIS : Thank you, Mr. President. I would move that we vote no on the motion to table Floor Amendment 12 for the reasons that I stated earlier.

PRESIDENT : Members, the motion before us is the

TEXAS SENATE STAFF SERVICES
 RM:jgh/337/FLSB14012611CD1SL/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION I

Texas Senate
 Staff Services

35

motion to table by Senator Fraser. The author of the amendment opposes. The, the Secretary will call the roll.

SECRETARY : Birdwell. Carona. Davis. Deuell. Duncan. Ellis. Eltife. Estes. Fraser. Galle--(clears throat) Gallegos. Harris. Hegar. Hinojosa. Huffman. Jackson. Lucio. Nelson. Nichols. Ogden. Patrick. Rodriguez. Seliger. Shapiro. Van de Putte. Watson. Wentworth. West. Whitmire. Williams and Zaffirini.

PRESIDENT : (Gavel) Members, there being 19 ayes and 11 nays, the motion to table prevails. (Gavel) The Chair lays out Floor Amendment Number 13 by Senator Davis. The Secretary will read the amendment.

SECRETARY : Floor Amendment Number 13 by Davis, which is being passed out now. Amend Senate Bill 14 in Section 12 of the bill.

PRESIDENT : The Chair recognizes Senator Davis to explain Floor Amendment--

DAVIS : Thank you--

PRESIDENT : --13.

DAVIS : --Mr. President. This deals with the language in Senate Bill 14 that would prohibit the use of an expired ID. As was talked about in the record yesterday, in both the State of Georgia and the Indiana ID requirements, there is an ability for a person to use an expired ID in order to come in to a polling place and to vote, and that ID will be accepted. This would strike the language from Senate Bill 14, that would ano--that would not allow an expired ID to be used for purposes of voting. I move adoption of Floor Amendment Number 13.

: (Pause)

: (Coughing in background)

PRESIDENT : Thank you, Senator Davis. The Chair recognizes Senator Fraser--

FRASER : An--

PRESIDENT : --on Floor Amendment 13.

FRASER : --Senator, there's another case. I, I wish we'd gotten a packet delivered to us. The concept you're talkin' about, Senator Lucio has an amendment that addresses this. His, that is a, 60 days, we're going to accept his amendment that addresses the same issue. You can either pull this one down or I'll be moving to table, you know, we're, but the, the amendment you're addressing, we're gonna address the same thing with the Lucio amendment.

DAVIS : I--I'm not going to agree to pull this down, Senator Fraser. This is much more expansive than a 60 day grace period. This would remove the provision for expiration entirely, and I would like to move it for adoption.

PRESIDENT : Members, the question before us--

FRASER : M--

JA_001304

TX_00203406

TEXAS SENATE STAFF SERVICES
RM:jgh/337/FLSB14012611CD1SI/031912
82ND LEGISLATIVE SESSION
EXCERPT: SENATE BILL 14
JANUARY 26, 2011
COMPACT DISC 1, SECTION I

Texas Senate
Staff Services

36

PRESIDENT : --is the motion--
FRASER : --I'm sorry, Senator, I mean,
Lieutenant Governor, Mr. President, I would move to table.

PRESIDENT : --yes.
FRASER : I would move to table Amendment
Number 13.

PRESIDENT : I'm gonna give her a second--
FRASER : How much number--
PRESIDENT : --then, to close then, but, because,
because I thi--I already knew that you were gon--the Chair recognizes
Senator Davis to close.

DAVIS : Thank you, Mr. President. For the
reasons I stated previously, I would ask that we vote no on the motion to
table Floor Amendment Number 13.

PRESIDENT : Thank you, Senator Davis. The
motion before us by Senator Fraser is to table Floor Amendment Number 13.
The Secretary will call the roll.

SECRETARY : Birdwell. Carona. Davis. Deuell.
Duncan. Ellis. Eltife. Estes. Fraser. Gallegos. Harris. Hegar. Hinojosa.
Huffman. Jackson. Lucio. Nelson. Nichols.

SECRETARY : (Inaudible, background conversation)
SECRETARY : Ogden. Patrick. Rodriguez. Seliger.
Shapiro. Van de Putte. Watson. Wentworth. West. Whitmire. Williams
and Zaffirini.

PRESIDENT : (Gavel) There being 19 ayes and 11
nays, the motion to table prevails. (Gavel) The Floor (sic) lays out Floor
Ame--the, the Chair lays out Floor Amendment Number 14 by Senator Lucio.
The Secretary will read the amendment.

SECRETARY : Floor Amendment Number 14 by
Lucio and this is Page 11 in your packet.

PRESIDENT : The Chair recognizes Senator Lucio on
Floor Amendment Number 14.

SECRETARY : (Inaudible, background conversation)
PRESIDENT : Yeah. The Chair, the Chair recognizes
Senator Lucio on Floor Amendment Number 14.

LUCIO : Thank you, Mr. President. Members,
this amendment changes the photo identification requirements of Senate Bill
14 to those used to obtain a driver's license. This bill has a stricter, Senate
Bill 14 has a stricter threshold for verifying identity than what's used to
obtain a Texas ID or a driver's license. Under Senate Bill 14, a person
intending to vote must present either a license, a military ID, a United States
citizenship certificate with a voter ID, or a passport. However, Members, to
obtain a driver's license, you have several options for verifying identity, not
simply what's listed above. You can verify your identity using, quote,
primary identification, which is what's included in your bill, Senator Fraser.

TEXAS SENATE STAFF SERVICES
 RM:jgh/337/FLSB14012611CD1SI/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION I

Texas Senate
 Staff Services

37

But it also contains secondary and supporting identification documents as options for citizens. The secondary document can be a birth certificate, which under current law, can be used for voting purposes, in which Senate Bill 14 removes and supporting documents, including, or inc--to include insurance information and social, social security cards. Members, I move adoption of thi--of this amendment at this time.

PRESIDENT : The Chair recognizes the, the, the sponsor of the bill, Senator Fraser.

FRASER : Thank you. Senator Lucio, the, Members, this, the list that DPS created includes a nonphoto ID. As I said yesterday, we've had two additional years to see that photo ID is working in other states, two years to see that voter raud--fraud is still a problem. I believe that the photo ID, itself, is simpler and less confusing to the voters, and election wor--workers. Senator, I'm, I'm gonna, to ask that the Members table this. I would now move to table this amendment.

: Are (you) gonna ask to speak (with the, on) the bill?

PRESIDENT : Senator Fraser, Sen--Senator Ogden had asked to speak before you moved to table. Do you mind temporarily withdrawing your motion?

FRASER : I withdraw the motion.

PRESIDENT : The, the Chair recognizes Senator Ogden.

OGDEN : To ask a question of the author of the amendment.

PRESIDENT : Will Senator Lucio yield to--

LUCIO : I yield to--

PRESIDENT : --Senator--

OGDEN : Senator Lucio, I, I believe that the amendment that we're discussing is Number 11 in our packet, is that right?

: That correct?

OGDEN : An--And--

LUCIO : Yes--

OGDEN : --and the way--

LUCIO : --that's correct.

OGDEN : --and the way you described it, it seems to be different than the way I read it. I mean it, it, it seems to me like the only acceptable proof of identification, in order to vote, is the, is the identificase--documentation required by the Department of Public Safety and no other. Do I misread this? I mean, it seems to me like you're narrowing the--

: (Inaudible)

OGDEN : --identification options, instead of ex--expanding them, and I'm just wondering, is that what you're doing? You're makin'--

TEXAS SENATE STAFF SERVICES
 RM:jgh/337/FLSB14012611CD1SI/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION I

Texas Senate
 Staff Services

38

LUCIO : That's exactly what--
 OGDEN : --it harder?
 LUCIO : --we're doin', we're tryin' to change
 Senate Bill 14 to be able to have the requirements to match those to obtain a
 Texas driver's license.
 OGDEN : So, if, if we adopted your amendment
 and a soldier used a military ID, it wouldn't count anymore, right?
 LUCIO : (Inaudible, not speaking into the
 microphone)
 : No, that (inaudible, background
 conversation)--
 LUCIO : My understanding that, that a
 military ID would still count.
 OGDEN : Well, I don't know how it does with
 this amendment, but that's why I ask you the question. I mean, it seems to
 me like the only thing that counts is what you need to prove that you can get
 a driver's license.
 LUCIO : I think what we're tryin' to do is give
 citizens (adeptional) (sic), additional options to prove their identity, and the
 ones that, the requirements used to obtain a driver's license, we feel, should
 be included in this bill.
 OGDEN : All right, well, i--it, it may be that I
 just don't know how it fits with the bill, so, but a--at le--at least I'm confused
 about it.
 LUCIO : Thank you.
 PRESIDENT : The Chair recognizes Senator Fraser.
 FRASER : I would now move to table
 Amendment 14.
 PRESIDENT : The Chair recognizes Senator Lucio to
 close.
 LUCIO : Thank you, Mr. President. Members,
 this amendment would simply give citizens options for proving their identity,
 that is it. Please vote no on the motion to table.
 PRESIDENT : Members, you've heard the motion to
 table by Senator Fraser, the, the Secretary wil--will call the roll.
 SECRETARY : Birdwell. Carona. Davis. Deuell.
 Duncan. Ellis. Eltife. Estes. Fraser. Gallegos. Harris. Hegar. Hinojosa.
 Huffman. Jackson. Lucio. Nelson. Nichols. Ogden. Patrick. Rodriguez.
 Seliger. Shapiro. Van de Putte. Watson. Wentworth. West. Whitmire.
 Williams and--
 PRESIDENT : Madam Secretary, do you mind, hold--
 : (I'm sorry.)
 : Hum?
 PRESIDENT : --(recognize his) (inaudible) (now).
 : So far, unless (inaudible, background

TEXAS SENATE STAFF SERVICES
 RM:jgh/337/FLSB14012611CD1SL/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION I

Texas Senate
 Staff Services

39

conversation)--

PRESIDENT : (Gavel) There being 19 ayes and 11 nays, the motion to table prevails. (Gavel) The Chair lays out the following Floor Amendment Number 15 by Senator Davis. The Secretary will read the amendment.

SECRETARY : Floor Amendment Number 15 by Davis, which is being handed out now. Amends Senate Bill Number 14 by striking Section 12 of the bill and substituting a new Section 12 to read as follows.

PRESIDENT : The Chair recognizes Senator Davis to explain the Floor Amendment 15.

DAVIS : Um, yes, thank you, Mr. President. This Floor Amendment seeks also to address the issue of the expiration of a person's supporting documents that would be allowed for purposes of voting. This mirrors exactly the Indiana law, which allows for the expiration of the ID to be accepted and to be cured by the date of the next general election. I would move adoption on Floor Amendment 15.

: (Coughing in background)

: (Pause)

: (Coughing in background)

PRESIDENT : The Chair recognizes the bill's sponsor, Senator Fraser.

: (Inaudible, background conversation)

: (Coughing in background)

: (Inaudible, background conversation)

FRASER : Senator, again, I, I'd loved to had this to look at. Is this, t--tell me h--I'm, I'm havin' trouble reading this. How long are you trying to say that an expired driver's license could be?

DAVIS : I recognize that it's confusing, Senator Fraser, and a lot to try to absorb today, as quickly as you've been asked to absorb these amendments. This mirrors exactly the language in the Indiana law.

FRASER : I, I know.

DAVIS : And, when the Secretary of State from Indiana was here, yesterday, what he explained, basically, was that they have a one strike rule. Where, when a person comes in to vote, if they have an expired ID, that ID is allowed to be used for purposes of voting, if the period of time between the expiration and that ID is shorter than the last general election. In other words, if they've not been given an opportunity, or a notice that their ID has expired because they've attempted to use it in a general election, then it, it defines the period of time of the grace period as the opportunity they would have had from the prior general election to cure that, if they'd been notified of the election officer, of the expiration of that ID. Again, as I said, it's exactly the language that's used in the Indiana law.

: (Pause)

TEXAS SENATE STAFF SERVICES
 RM:jgh/337/FLSB14012611CD1SI/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION I

Texas Senate
 Staff Services

40

FRASER : I mean, we're having confusion even interpreting the general election, the, I, we believe that implies that it could be expired two years. I--Is that not--

DAVIS : Y--Yes, and that's the case in--

FRASER : --it--

DAVIS : --Indiana, that's exactly the case in Indiana.

FRASER : --'kay, we, it's sti--we're, we, we talked about this today of how we would do this, and the, the, there is an amendment, that's coming up, that we plan to accept, of Senator Lucio, that is, you know, the, allowing it to be 60 days, and I'm still, it's my intent to accept that one. Again, I wish we'd had some time to look at this, but based on the fact that we're, we're heading that direction, I would, Members, I would move to, to table Amendment Number 15.

: (Inaudible, background conversation)

PRESIDENT : He moved to table?

: (Yes.)

: (Inaudible, background conversation)

PRESIDENT : The Chair recognizes Senator Davis on, t--to, to close.

DAVIS : Thank you, Mr. President. In closing, I would just say that I recognize the frustration of having to consider these important issues, which are very complex, in such a short timeframe. I'm as frustrated and I think other Members on the Floor are as frustrated by it, as well. But we're seeking to make some changes in our voter requirements that are quite significant. And, I'm doing, and I know my colleagues are doing the best that we can to assure that at the same time that that's occurring, we are doing everything that we can to protect the right of a legitimate citizen to vote in the State of Texas, to be able to continue to do so, and I ask--

PRESIDENT : Senator Davis, would you and Senator Fraser approach the podium just for a moment?

DAVIS : --yes.

: (Long pause)

: (Background noise)

PRESIDENT : Senator Davis temporarily withdraws Floor Amendment Number 15.

END OF SECTION I

TEXAS SENATE STAFF SERVICES
JGH:rjm/336/FLSB14012611CD1SII/031912
82ND LEGISLATIVE SESSION
EXCERPT: SENATE BILL 14
JANUARY 26, 2011
COMPACT DISC 1, SECTION II

Texas Senate
Staff Services

1

(Lieutenant Governor Dewhurst, Presiding)

PRESIDENT : The Chairs (sic) lays out Floor Amendment 16 by Senator Van de Putte. The Secretary will read the amendment.

SECRETARY : Floor Amendment Number 16 by Van de Putte, Page 12 in your packet.

PRESIDENT : The Chair recognizes Senator Van de Putte on Floor Amendment Number 16.

VAN DE PUTTE : Thank you, Mr. President. Mr. President, Members, this amendment is very similar, and has almost the exact same language as Senate Bill 362 that was Senator Fraser's bill from the 81st Session, and, in fact, most of you on this Floor, that are supporting this bill, this year, voted for this la--language during the last legislative Session. Under this amendment, the voter would present either the photo ID or two different alternatives. Of--the difference with the current bill, of course, is very slight with regard to the eligible photo IDs, but has some inclusions that are not in Senator Fraser's bill. So it does have a driver's license or personal identification card that, that has, of course the photo, the United States military identification card that does have the person's photograph, the US citizenship photo and certificate, a United States passport. The difference in f--what is on the language is I add a license to carry concealed handgun permit issued to the person by the Department of Public Safety, which does have a photo on it, and is issued by DPS, and a, a valid ID card that does contains (sic) the person's photograph from an agency or institution of the federal government, or a political subdivision. This is the exact wording that we have had from Senate Bill 362 from the 81st Session. Now, on the list of acceptable alternative forms, in other words, you get a one or a twosie. This is on the twosie list. And it was everything that was there, but I think what was really important is that this also allows for an original or certified copy of the person's marriage license or divorce decree, but, also, the court records of a person's adoption or a name change, as well. This is very, very important. The other inclusion is, of the pilot's license, the FFA (sic) pilot's license, it does have a photo on it, as well. So, we have, the only difference from this amendment and what was originally in Senator Fraser's Senate Bill 362 is that we have kept the exemption on the 70-year-old that mirrors SB 14 language, or older, that is in SB 14. And that is the change from your last year's 362. Members, the reason tha--that I am offering this amendment is that our, our State has a, a past, sometimes, that has been very discriminatory. And, discriminatory in its, its efforts to quell or suppress some groups level of civic participation in voting, and that's why we are under both Section 2 and Section 5 of the Voting Rights Act. Now, everything that we pass here, in this bill, will then go over to the House, and then ultimately, go to the, the Governor's Office for signature. And, after that it will go to the Department of Justice for preclearance. And, under

TEXAS SENATE STAFF SERVICES
 JGH:rjm/336/FLSB14012611CD1SII/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION II

Texas Senate
 Staff Services

2

preclearance we have to do preclearance for both Section 2 and Section 5. A lot of the bills that we have seen, that have been passed, that require a photo identification for voting, that are in those states that require that additional level of clearance from the DOJ, do have two alternate forms. Members, and I can tell you this is, with the exception of the age at 70, which we matched to this one, this is exactly the same language that was in Senate Bill 362, from the 81st Legislative Session. A lot has changed from then, in that we do know the court cases, we do know that Georgia was upheld, we do know that Indiana was upheld. But the bill that you have before you today, without some of the changes, would be the strictest, most stringent, most conservative photo voter identification bill in the country. And, since Texas has to prove up that burden and that level to the Department of Justice, we think that, at least I think that this would be able to ameliorate the concerns because of the provisions of the alternate forms. This would really help those folks who would be most disenfranchised, most burdened by the requirements of just the single photo identification. And so, with that, Members, I move to, for us to consider this amendment and I move passage of Committee Amendment 16.

PRESIDENT : Thank you, Senator Van de Putte.
 Senator Williams, for wha--what purpose do you rise?

WILLIAMS : To ask some questions of the author of the amendment.

PRESIDENT : Will Senator Van de Putte yield?

VAN DE PUTTE : I yield.

WILLIAMS : Senator Van de Putte, I am looking at your amendment and there're two things that I heard you say that I'm, I'm tryin' to understand as I look at this amendment. I think one is that you said this would include an FAA pilot's license, th--because it has a photo on it, and, i--o--a FAA pilot's (licent) (sic) does not have your photograph on it. In fact--

VAN DE PUTTE : In that section, Senator Williams, of the, the new one's do, but it is, that would not be required as a solo. In other words, the bill last year, you could have a list that you could have one that had nothing but photos, or you could produce two--

WILLIAMS : --right.

VAN DE PUTTE : --al--alternatives. And the f--I believe the way that, hopefully, that this is written, because we took it from last year, was the pilot's license, which is list (sic) on the t--on the, on the--

WILLIAMS : Well, can you--

VAN DE PUTTE : --alternative form.

WILLIAMS : --show me where, where it says two of the following, because what I, the way I read this if, is if you showed up with your utility bill, or a pilot's license, and your voter registration card, you would be able to vote. It doesn't require those two documents of those other things. The way I read it, it only would require one plus your voter

TEXAS SENATE STAFF SERVICES
 JGH:rjm/336/FLSB14012611CD1SII/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION II

Texas Senate
 Staff Services

3

registration card.

VAN DE PUTTE : If you--

WILLIAMS : So it's not like it was in, in 362 I think

it required--

VAN DE PUTTE : --yes.

WILLIAMS : --two things.

VAN DE PUTTE : It is. If you'll look on my amendment,

on Line 10 of the first page--

WILLIAMS : Okay.

VAN DE PUTTE : --it says there are two sections, section

that has one form of identica--

WILLIAMS : Okay.

VAN DE PUTTE : --(acation) (sic), which is Section 63.0--

WILLIAMS : Okay.

VAN DE PUTTE : --101, and then--

WILLIAMS : I see it now.

VAN DE PUTTE : --it says two forms. So, if you look at

where it is on Section 63 we keep the same. So, then, when you get down lower, then that's where it's, but the, the definitions of the onesies and the twosies are actually--

WILLIAMS : Okay.

VAN DE PUTTE : --in Line 5--

WILLIAMS : I, I see where--

VAN DE PUTTE : --through--

WILLIAMS : --it's at.

VAN DE PUTTE : --Line 10. So--

WILLIAMS : Thank you.

VAN DE PUTTE : --I'm sorry it's written that way. I, we

just took the exact same language from 3--

WILLIAMS : Thank you.

VAN DE PUTTE : --62. Uh-hum.

PRESIDENT : The Chair recognizes Senator Fraser

on Floor Amendment Number 16.

FRASER : (Memberus) (sic), thi--this amendment

clearly takes this from a photo ID to a non-photo ID bill. Again, we've had two additional years to see the, that photo ID is working in other states and that voter fraud's still a problem. I believe that photo ID is simpler and less confusing and I would now move to table Amendment Number 16.

PRESIDENT : The Chair recognizes Senator Van De Putte to close.

VAN DE PUTTE : Thank you, Mr. President, and thank you, Senator, but I have to disagree. This is the language from your photo identification voter bill from the 81st Session, which was a photo identification voter bill. Mean (sic), if it wasn't, if this was not that then I, it wouldn't've been such a contentious issue last year. But, because of the court

TEXAS SENATE STAFF SERVICES
 JGH:rjm/336/FLSB14012611CD1SII/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION II

Texas Senate
 Staff Services

4

cases, and because we know exactly where the Department of Justice has ruled and hasn't with regard to Section 5 preclearance, this is, takes us to what the photo identification voter bill was that was passed out of this Chamber last legislative Session. So, unless you wanna admit that last year's bill wasn't a photo ID bill, it was, and this is the exact same language. Members, I think this amendment affords us the protections that we need, that would be an undue burden on those disenfranchised groups that have to be proven up in Section 5. And I think that this is a one and a twosie, it is exactly what we had last time except for the 70 years. And this is, this is the amendment before you that we used last legislative Session, and so, it is very much a photo identification voter bill, but it is one that alleviates the burden of proof for those who would be most burdened by the current language in SB 14, and I move adoption.

: (Inaudible, background conversation)
 VAN DE PUTTE : Oh--and I'm sorry--
 PRESIDENT : Members--
 VAN DE PUTTE : --Mr. President, and I'm, I move to
 table, I mean, I move to oppose the motion to table.

PRESIDENT : --(laughter) y--you almost got me
 totally confused on that one, but, (laughter), Members, the motion in front of
 us is a motion to table by Senator Fraser, opposed by Senator Van de Putte.
 The Secretary will call roll.

SECRETARY : Birdwell. Carona. Davis. Deuell.
 Duncan. Ellis. Eltife. Estes. Fraser. Gallegos. Harris. Hegar. Hinojosa.
 Huffman. Jackson. Lucio. Nelson. Nichols. Ogden. Patrick. Rodriguez.
 Seliger. Shapiro. Van de Putte. Watson. Wentworth. West.

: (Inaudible, background conversation)
 SECRETARY : Whitmire. Williams and Zaffirini.
 PRESIDENT : (Gavel) Members, there being 19 ayes
 and 11 nays, the motion to table prevails. (Gavel) The Chair lays out the
 following f-floor amendment, Floor Amendment Number 17 by Senator
 Gallegos. The Secretary will read the amendment.

SECRETARY : Floor Amendment Number 17 by
 Gallegos, Page 15 in your packet.

PRESIDENT : Chair recognizes Senator Gallegos to
 explain Floor Amendment 17.

GALLEGOS : Thank you, Mr. President. Members,
 this, this amendment adds, and its suspended (sic), suspended temporary
 driver permits to the acceptable forms of ID. Under Section 12 of the bill, it
 specifies that an unexpired driver's license or personal ID card, issued by the
 DPS, qualifies as an acceptable form of photo ID, bu--but, Members, this does
 not cover the suspended temporary permits which are a standard issue, by
 the DPS, and without a photo. Under Section 524011 of the Transportation
 Code, there're at least five reasons why, upon your arrest, your driver's
 license is confiscated by an officer. After an individual is arrested, or

TEXAS SENATE STAFF SERVICES
 JGH:rjm/336/FLSB14012611CD1SII/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION II

Texas Senate
 Staff Services

5

detained for whatever reason, not convicted of driving while in--while, for whatever reason, he is, he or she is issued a suspended temporary driving permit, and under this bill, this temporary driving permit would prevent a person from bein' able to vote because they, these permits do not contain photo IDs. And, a--and, Members, what the, the stats that I've gotten from DPS is that in the last five years 100,000 of these IDs have been giving (sic) out, been given out, and just last month, 10,000 were issued of these permits. You know, I would, furthermore, it's worth noting that these permits are valid for 40 days, after they've been, they've been, the original license has been confiscated, and, and we all know that the, how court dates are. And, they come, they become reset time after time, and this is potentially in conflict with a portion of this bill that requires an ID that has not expired. So, Members, what I'm, what I'm asking here is that this, this confiscated temporary permit, issued by DPS, and I have a copy of it, I, I showed it yesterday when we were, met in the Committee of the Whole, and all I'm asking is that this, this license that's issued by DPS, you know, even if, if it's one day right before an election, that he or she, that, that this license is confiscated, that he or she can use this permit, issued by DPS, as a valid ID. And I move passage Mi--Mis--Mis--Mr. President.

PRESIDENT : The Chair recognizes the bill's sponsor, Senator Fraser, on Floor Amendment 17.

FRASER : Senator, if you'll remember yesterday when we had DPS testify, they said there's nothing from, from stopping that person, if they had a suspended license. All they've gotta do is just to ask for the, the personal i--identification card, at no charge. So, the--there's nothing to keep from doing that so they have the ability--

GALLEGOS : Bu--

FRASER : --now, under current law.

GALLEGOS : --Senator.

FRASER : M--Mr. President, I would now move to table Amendment 17.

: (Should he table?)

PRESIDENT : The Chair recognizes Senator Gallegos to close.

GALLEGOS : Thank you, Mr. President. Mr. President, I just heard Senator Fraser's explanation. Nowhere on this license does it say, when they confiscate the license, nowhere does it say that the driver has an option. (Dudn't) (sic) say that on this. I understand--understood exactly what Senator Fraser just said, but nowhere on this license du--does it say that they have an option to go and an--t--and obtain a photo ID. So, if they don't see that on here, how do they know that? I understand what he just said, but it's not on this, on this temporary driving permit issued by the DPS. And, I believe that, that, that, that the holder of this license, who has not been convicted yet, deserves, at least, the opportunity if he gets it condi--confiscated one day before an election, that he

TEXAS SENATE STAFF SERVICES
 JGH:rjm/336/FLSB14012611CD1SII/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION II

Texas Senate
 Staff Services

6

or she is innocent until proven guilty and thi--and this license says that it's an a--it's a valid ID. And it didn't say that they have an option, Senator Fraser. Nowhere it, does it a--say it has an option. So I, if I get picked up, they take the license away from me, give me this, it doesn't say that I have an option to get a photo ID, and the election is the next day, then, you know, he didn't have a f--he or she didn't have a photo ID except this one that's been approved by DPS. Members, I'm, I'm sure this is a, and 10,000 of these were given out just last month. So, I'm just saying that, you know, I'm sure this has happened in your districts. This person is innocent until proven guilty, and he or she should be allowed to vote with this DPS issued, voter ID permit. And I, I request a, a no vote on the, on the motion to, to table.

PRESIDENT : Members, the motion in front of us is a motion to table by Senator Fraser, opposed by the amendment sponsor, Senator Gallegos. The Secretary will, will call the roll.

SECRETARY : Birdwell. Carona. Davis. Deuell. Duncan. Ellis. Eltife. Estes. Fraser. Gallegos. Harris. Hegar. Hinojosa. Huffman. Jackson. Lucio. Nelson. Nichols. Ogden. Patrick. Rodriguez. Seliger. Shapiro. Van de Putte. Watson. Wentworth. West. Whitmire. Williams and Zaffirini.

PRESIDENT : (Gavel) Members, there being 19 ayes and 11 nays, the motion to table prevails. (Gavel) The following f-floor amendment, Floor Amendment Number 18 by Senator Hinojosa. The Secretary will read the amendment.

SECRETARY : Floor Amendment Number 18 by Hinojosa and Patrick, it's being passed out now. Amends Section 12 of the bill.

PRESIDENT : The Chair recognizes Senator Hinojosa on Floor Amendment 18.

HINOJOSA : Thank you, Mr. President and Members. This amendment simply adds a Concealed Handgun License issued by the Texas Department of Public Safety as an acceptable form of voter identification. And, the l--license also has the driver's license number and this would be very helpful in the case that the driver's license expired because the Concealed Hand (sic) License did not expire the same time as the driver's license and I would ask for adoption.

:(This is the concealed weapon)
 (inaudible, background conversation)--

PRESIDENT : Senator, the Chair recognizes Senator Patrick on Floor Amendment 18.

PATRICK : Thank you, Mr. President. I just wanted to thank Senator Hinojosa for working together on that, and leading all that, and totally in support, obviously, of CHL being accepted. So, thank you, Senator. Appreciate it. Thank you.

PRESIDENT : The Chair recognizes Senator Ellis on Floor Amendment 18.

TEXAS SENATE STAFF SERVICES
 JGH:rjm/336/FLSB14012611CD1SII/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION II

Texas Senate
 Staff Services

7

ELLIS : I ju--I just wanna ask Senator a couple questions.

PRESIDENT : Will Senator Hinojosa--

ELLIS : I--I--If, if you don't know it's okay, I meant to, to check but do you know how many, y--do you know how many have been issued? How many of these licenses we have in Texas, just offhand, if you know. I was tryin' to find out and I just couldn't find out.

HINOJOSA : I, I really don't have that number on top of my head.

: (Inaudible, not speaking into the microphone) (Senator) 400--

ELLIS : You don't know, do you?

HINOJOSA : Abou--four--

ELLIS : Senator Patrick.

: Four, fifty (inaudible, overlapping conversation)--

: (Inaudible, background conversation)

: --about 415,000.

: (Inaudible, background conversation)

: Yeah, abou--about 400,000, roughly.

: --about 415,000.

HINOJOSA : We have about 415,000 Concealed Handgun (Licen) (sic).

ELLIS : (Inaudible, not speaking into the microphone) (thousand are lobbyists).

HINOJOSA : Fo--cor--that's correct.

: (Four) hundred thousand are lobbyists.

ELLIS : And 400,000 are lobbyists?

: (Laughter)

ELLIS : Let, le', le', le' me (sic), let me jus--jus-- (laughter) (get serious) (inaudible)--

: (Inaudible, background conversation)

: (Laughter)

ELLIS : --let, let me ask you this now.

: (Inaudible, background conversation)

: (Laughter)

ELLIS : I, I appreciate you and Senator Patrick bringin' this forward.

: (Inaudible, background conversation)

ELLIS : I'm, if I'm just guessin', there's no way I'd know, but if I were a guessing man, or a gambling man, as opposed to carryin' the bill, gambling bill, I would speculate that most of the people who are licensed might be the ones in the red jerseys. Is that a fair assessment? Just guessin', there's no way we'd know.

8

HINOJOSA : I don't think so, you know, I'm, I don't have a red jersey, I gotta blue one on and I have a license.

ELLIS : Well, a good number of you all here have 'em, ar--are carrying and if I did a little survey, I'm willing to guess that, you know, might be a few of my colleagues with the red jerseys on don't have those. In my district, I'm assuming, from the E-mail that I get, most of the folks who probably are licensed, are probably some of my Republican constituents. But I think it is a good, valid form of identification and that's why I'm gonna vote for it, and hope that my colleagues will be equally as concerned about other valid forms of ID. A good number of people in my district, Senator, maybe some of your district, but clearly in my district, who carry guns don't have a license. Now, I joke with you about amending this to say what about those who are carryin' a gun, but, 'cause a lot of 'em in my district don't had (sic) a license but (inaudible, overlapping conversation)--

HINOJOSA : But a (inaudible), on a gun.

ELLIS : --you want me to offer that one?

HINOJOSA : (Laughter)

ELLIS : You think I could get it, get it passed?

HINOJOSA : (Laughter)

ELLIS : That, that, that may deal with some of

these voter suppression issues I'm worried about.

HINOJOSA : (Laughter)

ELLIS : You got a good amendment, Senator.

Thank you.

HINOJOSA : Appreciate your support, Senator

Ellis.

: (Inaudible, background conversation)

: The Chair recognizes Senator Fraser

on Floor Amendment se--

FRASER : You know--

PRESIDENT : --18.

FRASER : --I was really liking the amendment

till Ellis stood up.

: (Laughter)

: (Inaudible, background conversation)

FRASER : Senator, the, th--it's actually a very

interesting amendment. I, I, I, I knew it was coming and, and, obviously, was gonna look at it favorably, but it also was interesting the, the, the members of the press that checked to make sure that this was, was coming too, so this is a, a, a lot of people in this building has an interest in this one. Thi--Thi--This, I, I, I, I agree, this would be a, a good one to add to our list of things that are acceptable and this is a very acceptable amendment. Thank you for bringing this forward.

HINOJOSA : Thank you.

TEXAS SENATE STAFF SERVICES
 JGH:rjm/336/FLSB14012611CD1SII/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION II

Texas Senate
 Staff Services

9

PRESIDENT : The Chair recognizes Senator Hinojosa to close.

HINOJOSA : I move adoption.

PRESIDENT : Members, the, the issue before us is the adoption of Floor Amendment Number 18. The Secretary will call the roll.

PRESIDENT : (Inaudible, background conversation)

HINOJOSA : What?

HINOJOSA : (Inaudible, background conversation)

HINOJOSA : I--I think it's acceptable to the author, on ex--excuse me, acceptable to--

PRESIDENT : It's acceptable to the author.

PRESIDENT : (Inaudible, background conversation)

PRESIDENT : We have a motion before us--

PRESIDENT : (Thank you, Senator.)

PRESIDENT : (Inaudible, background conversation)

PRESIDENT : --hum?

PRESIDENT : (Inaudible, not speaking into the microphone) we don't have a (inaudible, not speaking into the microphone)--

PRESIDENT : Oh, okay. All right.

PRESIDENT : (Inaudible, not speaking into the microphone)

PRESIDENT : Yeah, please.

SECRETARY : (Inaudible, background conversation)

SECRETARY : Birdwell. Carona. Davis. Deuell. Duncan. Ellis. Eltife. Estes. Fraser. Gallegos. Harris. Hegar. Hinojosa. Huffman. Jackson. Lucio. (Laughter) Nelson. Nichols. Ogden. Patrick.

SECRETARY : (Inaudible, not speaking into the microphone)

SECRETARY : Okay? Okay. Rodriguez. Seliger. Shapiro. Van de Putte. Watson. Wentworth. West. Whitmire. Williams.

SECRETARY : (Inaudible, not speaking into the microphone)

SECRETARY : Okay. Zaffirini.

PRESIDENT : (Gavel) There being 30 ayes and no nays, Floor Amendment Number 18 is approved.

PRESIDENT : (Inaudible, background conversation)

PRESIDENT : The Chair lays out Floor Amendment Number 19 by Senator Ellis. The Secretary will read the amendment.

SECRETARY : Floor Amendment Number 19 by Ellis. This is Page 17 in your packet.

PRESIDENT : The Chair recognizes Senator Ellis to explain Floor Amendment 19.

ELLIS : Mr. President, Members. I alluded to this amendment earlier while we were discussing the gun amendment. This

JA_001318

TX_00203420

TEXAS SENATE STAFF SERVICES
 JGH:rjm/336/FLSB14012611CD1SIL/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION II

Texas Senate
 Staff Services

10

amendment would qualify students who are registered at an accredited public university in Texas. The ID must contain a student's photo, the ID must not be expired, and the ID must be issued to the person by the institution of higher education. It follows the Indiana law with one exception. In Indiana they include a provision that says that you can use a ID even if the, if it has expired. The expiration date and either, can either be current or have expired some time after the date of a last general election. So, this is slightly more restrictive than the Indiana law, and I think that we oughta do as much as we can to make sure we're lettin' our, your people participate, many of which may not have a driver's license because of surcharges. Or, might I add, I did not include private universities, although I, I, it would be fine with me to include them, but I assume there might be some concern that if it's one of the private online universities, you get into a issue of whether or not it was a, a valid ID or not. But this is ID from state institutions for our young people that would want to participate in our democracy. And, I might add that, in Texas, historically, we've had the lowest turnout of any large state, and we're consistently about 45th or 46th in terms of the turnout for elections. I'd be more than happy to answer any questions.

PRESIDENT : Senator Williams, for what purpose do you rise?

WILLIAMS : To ask a question of the author.

PRESIDENT : Will Senator Ellis yield?

ELLIS : Yes, Sir.

WILLIAMS : Senator Ellis, do you know of the public universities that we have, do they have uniform standards for issuing these student IDs? Are you aware, d--do they have uniform policies for what is required to issue the student ID?

ELLIS : I, I, I do know that you have to be a student at that university to get student ID.

WILLIAMS : But, but there may not be any requirement like there is with the driver's license, or a state ID that show that you're lawfully in the country or any of those sorts of things, is that right?

ELLIS : I don't know.

WILLIAMS : Okay.

ELLIS : You have to ask the Secretary of State.
 : (Laughter)

WILLIAMS : Okay.
 : (Laughter)

ELLIS : (Laughter) I'm sorry. Maybe was--

WILLIAMS : Okay.

ELLIS : --tryin', I'm not advised.

: (Inaudible, background conversation)

WILLIAMS : Oh--yeah--

JA_001319

TX_00203421

TEXAS SENATE STAFF SERVICES
JGH:rjm/336/FLSB14012611CD1SII/031912
82ND LEGISLATIVE SESSION
EXCERPT: SENATE BILL 14
JANUARY 26, 2011
COMPACT DISC 1, SECTION II

Texas Senate
Staff Services

11

WILLIAMS : (Inaudible, background conversation)
: --okay, how about the Higher
Education Coordinating Board, then.

ELLIS : You can ask them.

WILLIAMS : Okay. Well, I think, w--w--if there
were some uniformity about the requirements and that we, you know, I think
the colleges might balk at us puttin' a requirement on them to determine if
someone's in the country lawfully or not, which is a key part of what we have
with the driver's license. And so, I, I think you've, y--you know, the problem
is you're openin' the gate to a lot of forged documents that we don't know
what they're all gonna look like. I mean, that's, that's the thing that I, I'm,
concerns me about your amendment.

ELLIS : W--Well, Senator, it's a valid concern.
I would say to you, in all of the other states that have a voter ID
requirement--

WILLIAMS : Uh-hum.

ELLIS : --including Indiana, which is who he
says that he was patterning this bill after. Indiana not only permits students
to use their ID as an alternate form of identification, it is even more
expansive than what I'm doin' in this bill.

WILLIAMS : Right.

ELLIS : And it has not been a problem in those
states, and so I don't think that that would be a problem here. I, I, I don't
think that somebody, to be honest with you, who goes through what they go
through to get in the country illegally, would be naive enough to go in there
and vote, and run the risk of blowing their cover. But it has not been a
problem in those other states.

WILLIAMS : Okay, thank you.

ELLIS : Thank you.

PRESIDENT : The Chair recognizes the bill's
sponsor, Senator Fraser, on Floor Amendment Number 19.

FRASER : Senator, thank you for the debate
with, with Senator Williams. I think I probably have the same concerns he
has. I don't know whether you're aware, there are over 100 public
institutions of higher education in Texas. The burden on a poll worker of
having to identify what all those hundred are, is this a valid ID, and making
sure that you hadn't created Ellis University (sic) out there and somebody
forged a bunch of, of IDs and sent it out there, and a poll worker had no idea
that Ellis University really wasn't a, a public university. I, based on that and
the, the fact that I think it'd be rea--it'd be a burden on the poll worker that I
would now move to table Amendment 19.

PRESIDENT : The Chair recognizes the amendment
sponsor, Senator Ellis, on Floor Amendment 19.

ELLIS : Members, it's a straightforward
amendment. It hasn't been a problem in other states. This whole bill is

TEXAS SENATE STAFF SERVICES
 JGH:rjm/336/FLSB14012611CD1SII/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION II

Texas Senate
 Staff Services

12

gonna put a burden on local election officials. Just as they would have to look and see if it's legitimate state ID, they're gonna have to look, from a university, they're gonna have to look and see if it's a legitimate driver's license. I mean, there are people who get fake driver's license. And, Senator, you'd be pretty naive if you think that there're no people, who in this country illegally, who haven't gotten a license to have a handgun. I assure you there are some--

ELLIS : (Inaudible, background conversation)
 : --who have gotten that. But look,
 anytime we're talkin' about raising the bar, creating more barriers for people
 to have access to participate in our electoral process when so--
 : There are 37 (inaudible, background
 conversation)--

ELLIS : --few people in this state participate
 now.
 : --18 more.

ELLIS : I think we oughta do as much as we
 can to make sure that we're not running people out of the process, and this
 amendment is an attempt to let young people participate. I would
 respectfully ask you to vote against the motion to table.

PRESIDENT : Members, the issue before us is a
 motion to table by Senator Fraser, opposed by Senator Ellis. The, the
 Secretary will call roll.

SECRETARY : Birdwell. Carona. Davis. Deuell.
 Duncan. Ellis. Eltife. Estes. Fraser. Gallegos. Harris. Hegar. Hinojosa.
 Huffman. Jackson. Lucio. Nelson. Nichols. Ogden. Patrick. Rodriguez.
 Seliger. Shapiro. Van de Putte. Watson. Wentworth. West. Whitmire.
 Williams and Zaffirini.

PRESIDENT : (Gavel) Members, there being 19 ayes
 and 11 nays, the motion to table prevails. (Gavel) The Chair lays out Floor
 Amendment Number 20 by Senator West. The Secretary will, will read the
 amendment.

SECRETARY : Floor Amendment Number 20 by
 West. Is on Page 18 in your packet.

PRESIDENT : Can we get him another copy?
 : (Long pause)

PRESIDENT : The Chair recognizes Senator West on
 Floor Amendment 20.

WEST : Okay, thank you very much, Mr.
 President. Members, this amendment simply provides that a person may
 vote by showing a voter registration certificate accompanied by a Medica--
 Medicare card issued by the Social Security Administration. This
 amendment ensures that members of our elderly population, and disabled,
 who are likely to be disproportionately burdened by the new photo ID
 requirement, are not disenfranchised. In the bill, in the bill before us we

TEXAS SENATE STAFF SERVICES
 JGH:rjm/336/FLSB14012611CD1SII/031912
 82ND LEGISLATIVE SESSION
 EXCERPT: SENATE BILL 14
 JANUARY 26, 2011
 COMPACT DISC 1, SECTION II

Texas Senate
 Staff Services

13

already have an exception for the photo ID requirements for persons over 70. This way the bill acknowledges that seniors will be negatively impacted by this particular bill. It doesn't do enough to ameliorate those impacts, however. First of all, Senator Deuell, do you know what the definition is in our Health and Human Services for an elderly person in the State of Texas? Sixty-five years of age.

WEST : (Inaudible, background conversation)
 : We have several definitions. First of
 all, the state defines elderly--

PRESIDENT : Just a minute, Senator West. Be, be
 careful, you're s--

WEST : --I'm, I'm just--

PRESIDENT : --treading on some--

WEST : --and, and M--Mr. President, we have
 the power to change that, right? Okay. But, but the State of Texas, through
 its legislative and executive branches of government--

WEST : (Inaudible, background conversation)
 : --y'all lookin' at, I bet most of us are
 almost there, that's right, okay.

WEST : (Inaudible, background conversation)
 : First of all, the state defines elderly as
 being 65 years of age in various statutes. Most notably, in Section 48.002,
 the Human Resource Code, contains the definition, and secondly, the bill, as
 filed, limits the exceptions to just a narrow class of individuals. And, I won't
 go on and on about the different other statutes that define elderly. In the
 Penal Code we define elderly, also. So, what this particular amendment does,
 it helps the following, the League of Women Voters el-estimate that
 nationally about 18 percent of Americans over 65, six million do not have
 photo ID. As of May 2010, 2.9 million Texans received Medicare, either
 because of, they were age 65 or older, or disabled. Of those people, one can
 reasonably estimate, one reasonable estimate finds that about 4 in 71,000 of
 those folks are, in fact, disabled. So, this amendment wanna ensure some 2.9
 million Texans, 471,000 of whom are disabled, can exercise their right to vote
 through an administrative process, getting their Medicare card, they also can
 be included and we can make certain that they are given an opportunity to
 participate in the system without being burdened. I move adoption of the
 amendment.

PRESIDENT : Thank you, Senator West. Chair
 recognizes the bill's sponsor, Senator Fraser.

FRASER : Thank you, Senator West. This, I, I
 thinks it's a (continuing) (sic), continuation of the conversation that we had
 yesterday. I think all the Members are aware that we have a exception to
 put in the bill, anyone that is born after January the 1st, 2000, or that's 70-
 years-old on, b--on, before January 1st, 2012, is exempt from the bill and that
 was an exemption we put in place. Also, anyone that is a Medicare person,

JA_001322

TX_00203424

TEXAS SENATE STAFF SERVICES
JGH:rjm/336/FLSB14012611CD1SII/031912
82ND LEGISLATIVE SESSION
EXCERPT: SENATE BILL 14
JANUARY 26, 2011
COMPACT DISC 1, SECTION II

Texas Senate
Staff Services

14

that is 65, then we still have the provision in law where they could be eligible to vote by mail, and we, we think that's sufficient. By doing this, is, this would also change this from a non-photo ID bill. I would now move to table Amendment Number 20.

WEST : B--B--Before you move, Senator, to table, can I ask, I didn't underst--stand a question, I didn't understand an observation that you made about 70 years (inaudible, overlapping conversation)--

FRASER : I now move to table Amendment Number 20.

WEST : --Sir, would you withdraw your amendment so I can ask you a question about the 70-year-old provision? You will not withdraw it so I can ask you a question?

: (Inaudible, background conversation)

: (Okay, good deal. What do you want to do) (inaudible, not speaking into the microphone)--

WEST : I, I, I mean--

FRASER : Could I, could I ask the Secretary of State?

WEST : --you may have to (laughter) (inaudible), no, seriously--

FRASER : I will now withdraw my motion to table so that the Senator can ask me a question.

WEST : --and this, and the question is, make cer--the 70-year-old provision, y--y--how, h--how does that work again, in the bill?

FRASER : Anyone that is 70 years old, by January the 1st, 2012, is exempt from the bill.

WEST : So, if you turn 70 years old after that, you're not exempt? I mean, I, I'm askin' a serious (question).

FRASER : E--Every, everyone that, if you're 70 on January the 1st, 2012, you are exempt from the bill.

WEST : But what if I turn 70 January the, and it's 2012?

FRASER : Tha--

WEST : I mean 2013.

FRASER : --y--you would be under the provision where you were 69, you would've voted, gotten a photo ID, and already voted in the election, and were, would already be in the process.

WEST : Okay. All right. All right, so, you're, you're now moving to table?

FRASER : Mis--Mr. Chairman, I now move to table Amendment Number 20.

WEST : Mr. Chairman.

: (Inaudible, background conversation)

JA_001323

TX_00203425

TEXAS SENATE STAFF SERVICES
JGH:rjm/336/FLSB14012611CD1SII/031912
82ND LEGISLATIVE SESSION
EXCERPT: SENATE BILL 14
JANUARY 26, 2011
COMPACT DISC 1, SECTION II

Texas Senate
Staff Services

15

PRESIDENT : Chair recognizes, Chair recognizes
Senator West to close.

WEST : Members, what I'm sayin' to you is this. We have several statutes in the State of Texas that defines elderly. The question that you have to ask is whether or not you want to potentially disenfranchise elderly people. Again, the Health and Human Services Code defines elderly as 65. The Health and Human Services Code, at another section, defines it at 60. The Utility Code defines it at 60, the Government Code also has a definition, the Penal Code also has a def--definition of 65, and what we're doing is makin' it 70 for voting purposes. We're puttin' a more onerous standard for voting on the books for persons that are elderly at age 70, than we have in the Penal Code, where we say that a person is considered elderly if he's 65 or they're 65 years of age. I can't understand the differentiation of puttin' a more onerous burden on people that are 70 years old, that over 65 for voting purposes, than we would for purposes of being defined for vic--victim purposes on the Penal Code or Human Resource Code for receiving benefits at age 65. So I'd ask you to vote against tabling the amendment.

PRESIDENT : Members, the issue before us is a motion by Senator Fraser to table, opposed by Senator West. The Secretary will call roll.

SECRETARY : Birdwell. Carona. Davis. Deuell. Duncan. Ellis. Eltife. Estes. Fraser. Gallegos. Harris. Hegar. Hinojosa. Huffman. Jackson. Lucio. Nelson. Nichols. Ogden. Patrick. Rodriguez. Seliger. Shapiro. Van de Putte. Watson. Wentworth. West. Whitmire. Williams and Zaffirini.

PRESIDENT : (Gavel) There being 19 ayes and 11 nays, the motion to table prevails. The Floor la--the Chair lays out the following floor amendment, Floor Amendment Number 21 by Senator Davis. The Secretary will read the amendment.

SECRETARY : Floor Amendment Number 21 by Davis, which is being passed out right now. It is not in your packet. Amending Senate Bill 14 in Section 12 of the bill.

PRESIDENT : Let's wait just for a moment so it can be passed out. Or do you wish to go ahead and explain it?

DAVIS : No, (inaudible, overlapping conversation)--

PRESIDENT : The, the Chair, all right, I'll go 'head and--the Chair recognizes Senator Davis on Floor Amendment 21.

DAVIS : --thank you, Mr. President. This amendment would expand the photo IDs that would be deemed acceptable for purposes of identifying a voter at a voting precinct. It would expand the list to include a valid ID, which is a photo ID, that is issued by an agency or institution of the federal government, an agency, institution or political subdivision of Texas, or an institution of higher education of Texas. I move